

Sec. of State

I-25m

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Idor A. Pederson	Ex-Officio Member
A. B. Schaefer	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION FOR THE MERGER
OF THE VILLAGE OF LAKE ELMO WITH THE TOWNSHIP OF EAST OAKDALE

The petition for the proposed merger of the Township of East Oakdale with the Village of Lake Elmo came regularly on for hearing before the Minnesota Municipal Commission in the Lake Elmo Village Hall on December 1, 1967. All Commission and ex-officio members were present. Appearances were made by Harold D. Kimmel, representing the petitioners, Roderick Lawson for the Village of Lake Elmo, and Lyle J. Eckberg, representing the Town of Oakdale. With the consent of all parties the Lake Elmo-East Oakdale merger (I-25m) and the Oakdale incorporation (I-21) proceedings were combined and continued hearings were held on December 4, 1967, December 27, 1967, and January 5, 1968, at the Oakdale Town Hall, Oakdale Township. A hearing was also held on January 12, 1968 at the Municipal Commission Office.

All Commission and ex-officio members were present at all hearings with the exception of January 5, 1968, when Arthur R. Swan was not 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. Material and records introduced in the Oakdale (I-21) proceedings prior to the appointment of Robert J. Ford and Arthur R. Swan has been read by these members. The Commission carefully considered all of the evidence, including all of the testimony, exhibits, and files, and and being fully advised in the premises, now makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

I.

That due, timely and adequate legal notice of the hearings herein were duly posted, published, served and mailed.

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II.

That the area proposed for merger in said petition is all of the Town of East Oakdale and the Village of Lake Elmo, Washington County, Minnesota.

III.

The quantity of land contained in the merger petition is 17,795.5 acres of which approximately 400 acres is platted land.

IV.

That within the Town of East Oakdale there exists scattered housing and that a large portion of said township is devoted to agriculture. That the Village of Lake Elmo contains a residential area together with a business district devoted to commercial pursuits.

V.

That the population of the Town of East Oakdale according to the United States Federal Census in 1960 was 1958 and that according to the present estimate it is now 3,057. That the population of the Village of Lake Elmo in the 1960 United States Census was 550 and that the present estimated population is 635.

VI.

Based on the average occupancies in the area it is estimated that approximately 35 new homes per year have been added since 1960 and that a part of this expansion is contained in a trailer court which exists within the Town of East Oakdale.

VII.

That residential growth will be experienced first in the western sector of the township with a gradual expansion of the balance of the township. It appears that no large growth can be anticipated within the next several years.

VIII.

That the assessed value of the Town of East Oakdale according to the records of the county auditor of Washington County is \$1,495,211 and that less than ten per cent of said assessed value is located upon lands that are platted; that the assessed valuation of the Village of

Lake Elmo according to the records of the county auditor of said county is \$409,811 and that all of said area is located on platted lands.

IX.

That the Town of East Oakdale does not have any central water, sanitary sewer system and that said area is properly zoned; that they are members of the Central Washington County Planning Commission and that police protection is provided to the town by part-time policemen and the Washington County Sheriff's Office. That the town is served by the Lake Elmo-East Oakdale Fire Department which is located in the Village of Lake Elmo. That the Town of East Oakdale is a part of the W.O.N.E. (consisting of the Village of Woodbury, Town of Oakdale, Town of Northdale and the Town of East Oakdale) and plans are in progress to serve a small portion of said town with central sanitary sewer facilities in the southeast area.

That the Village of Lake Elmo has a central water system but that no plans are being made at the present time for a central sanitary sewer system. That said village is zoned and is a member of the Central Washington County Planning Commission. That part-time police protection is being furnished to the Village of Lake Elmo by the Washington County Sheriff's Office. That fire protection is furnished by the Lake Elmo-East Oakdale Fire Department which department is located within the confines of the Village. That there was no evidence introduced at the hearing to indicate that the township form of government cannot adequately cope with the problems that exist at the present time within the Town of East Oakdale; that no evidence was introduced to indicate that any great expansion in residential population or that any commercial or industrial activity has occurred or is occurring that the township form of government could not adequately cope with.

X.

That the township form of government is adequate to cope with the problems of urban and suburban growth in the Town of East Oakdale and that they are furnishing adequate governmental services throughout the entire area.

CONCLUSIONS OF LAW

I.

The property proposed for merger might best be served by being a part of another municipality.

II.

The petitioners have not established that the people in the area proposed for merger and future residents of the area can best be served by granting the merger petition.

III.

The area proposed to be merged is not now nor is about to become urban or suburban in character so as to require the village form of government.

IV.

That the petitioners have failed to prove that village form of government is required to adequately protect the public health, safety, and welfare with reference to central water system, central sanitary sewer facilities, police and fire protection, plat control and land development and construction which may be reasonably expected to occur within the next number of years.

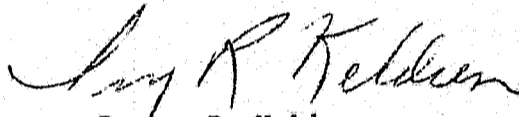
ORDER

Upon the Resolution of the Village of Lake Elmo Council and the Petition of Freeholders of the Town of East Oakdale filed with the Minnesota Municipal Commission on October 13, 1967, to consolidate into one municipality to be named the Village of Lake Elmo all according to Minnesota Statutes Annotated 414.02, Subd. 5, the Minnesota Municipal Commission did then conduct hearings according thereto and upon all testimony, files, and records, the Minnesota Municipal Commission being fully advised in the premises,

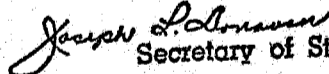
DOES HEREWITH ORDER that such petition and resolution for consolidation of the Village of Lake Elmo and the Town of East Oakdale is in all things denied.

Dated this 25th day of January, 1968

BY THE MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota 55103



Irving R. Keldsen
Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 29 1968

Secretary of State

MEMORANDUM OPINION

It was with great interest that the Commission received the petition for the merger of the Town of East Oakdale with the Village of Lake Elmo. It is this type of cooperation and joint understanding of growth problems that insures an orderly and thoughtful approach to urban problems. It is in the best interest of the people when governmental units are willing to sit down and discuss and submit their problems to the appropriate body of government for review.

In this particular instance we have a number of overlapping petitions that have to be reviewed by the Commission. The Town of Northdale and the Town of Oakdale have long been struggling with the urbanization problem and have been seeking stability. Their governmental units have been attempting to define or have defined for them an area of base on which they can do their planning, an area of sufficient size so that they can meet the problems they are presently facing. The urgency of a solution is adequately supported by individual as well as professional testimony. Professional testimony likewise agrees with that of the various lay witnesses indicating that there is a common interest by Oakdale and Northdale and they should approach their solutions jointly. They urge the Commission that these two communities should approach the solutions to their problems together. The professional testimony then supports the position that they did not have an adequate tax base. These two units of government, individually or collectively, need larger areas to give a larger tax base and a sufficient tax base to do the detailed type of planning and to provide the services at an economical rate to the people who live in the area. This confronts the Commission with the need for an immediate solution and a solution that will solve the immediate problems of the existing Township of Northdale and Oakdale. The professional testimony further indicated and supported the proposition that Northdale, East Oakdale, Oakdale, and Lake Elmo should ultimately be one large municipality. That the common interests and geographical data supported their professional judgment on this ultimate size.

The Municipal Commission, however, was challenged with a

jurisdictional problem which would not allow it to accomplish this. The Commission was confronted with conflicting petitions as it related to the western portion of East Oakdale where the petition to incorporate Oakdale was expanded to include not only Northdale but a portion of East Oakdale. It will be noted that in denying this petition the Commission is holding open the future disposition of this area. There is some inadequacies in proof that that portion of East Oakdale which is not included in the incorporation order which is to be issued is imminently in need of urban government.

The Commission recognizes that as growth develops in this area, there is no doubt as to the need for urban government but is leaving open the question as to whether it should be a part of the area that the Commission has ordered to vote on the incorporation, or whether it should be part of the area yet to be defined. It will be noted that the Commission further left this matter open by excluding that portion of the so-called "expanded area" in East Oakdale which includes one-fourth of the major interchange of 694 and U.S. Highway 12 giving the now remaining East Oakdale full control over that one quarter and the entire proposed Federal Aid 94 and the area between that proposed 94 and 12. It is the judgment of the Commission that further planning and study should be made by East Oakdale as it now remains with the new village, should the voters see fit to incorporate it, as to how the best interests of the people who presently live in the area and the people who will live in the area in the future can be served by an urban government. The questions will multiply. It is a question of whether they should become one large unit of government, whether the balance of East Oakdale should be merged with Lake Elmo or whether a portion of East Oakdale, Lake Elmo and Baytown should become a village or a city.

Once this study has been made then the residents of the area should again come back to the Commission with the conclusions and results of this study to allow us to review this in an effort to make a determination.

It must be clearly understood that the responsibility of the Commission and the purpose of the Commission orders are to create or allow to be created areas of government which can allow people to join together and govern themselves in the most economical manner and this, of course, means the manner which is the most practical and still in keeping with their wishes as expressed at any referendum that is to be ordered by the Commission and it is this philosophy that has governed the Commission in coming to a judgment that the balance of East Oakdale as it is represented in the Orders of the Commission today needs future study and further evidence in order for the Commission to arrive at a conclusion based on what it would believe to be an extensive analysis of all of the factors that would go into this type of a hearing.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 29 1968
Joseph A. Blomquist
Secretary of State