

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Mike E. O'Bannon	Ex-Officio Member
LeRoy H. Johnson	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION OF)
 THE TOWN OF GROW, ANOKA COUNTY, TO)
 INCORPORATE AS A CITY TO BE KNOWN)
 AS "ANDOVER".)

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

WHEREAS, the petition of the Town Board for Incorporation of the Township of Grow, County of Anoka, State of Minnesota, as the City of Andover, was duly filed with the Municipal Commission of the State of Minnesota, on the 12th day of September, 1972; and

WHEREAS, said petition was duly noted for hearing before the Municipal Commission of the State of Minnesota on January 10th, 1973 in the Anoka County Courthouse, Anoka, Minnesota, at 10:00 a.m., after proper notice was duly mailed and published pursuant to the requirements of Minnesota Statutes Annotated, Chapter 414, as amended, further, pursuant to proper notice duly mailed and published, said hearing was continued to July 11th, 1973, and again to November 14th, 1973, and again to December 19th, 1973, and finally, to January 28th, 1974. On January 28th, 1974, said petitioners appeared in person and by their counsel, Richard A. Beens, Esquire, of the firm of Babcock, Locher, Neilson & Mannella, Attorneys at Law, 118 East Main Street, Anoka, Minnesota. Oral and documentary evidence was given in support of and in opposition to said petition, with evidence having been taken from all those appearing and indicating a desire to be heard.

WHEREAS, after proper notice was duly mailed and published pursuant to the requirements of Minnesota Statutes Annotated, Chapter 414, as amended, additional hearings were held on June 10, 1974 and July 15th, 1974, in the Anoka County Courthouse, Anoka, Minnesota for the purpose of considering whether to alter the boundaries of the area proposed for incorporation by increasing the area by inclusion

of certain portions of Ramsey Township, Anoka County, Minnesota. All interested parties present and indicating a desire to be heard, were allowed to present oral and documentary evidence.

WHEREAS, the Municipal Commission of the State of Minnesota, having read and considered the petition, having heard and considered all of the evidence adduced at said hearings, having considered the arguments of counsel for the petitioners herein, the arguments of those in opposition to the petition herein, and being fully advised in the premises, upon all of the files, records, and proceedings herein, makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

I.

A petition of the Town Board of the Township of Grow, Anoka County, Minnesota, for the incorporation thereof as the Village of Andover, was duly filed pursuant to and in compliance with Minnesota Statutes Annotated, Chapter 414, as amended, and said petition was, in all respects, proper and complete in form, contents and execution.

II.

Upon motion of the Minnesota Municipal Commission, pursuant to proper notice duly mailed and published, the area proposed for incorporation was expanded so as to include all portions of Ramsey Township, Anoka County, Minnesota, lying east of the thread of the Rum River.

III.

Proper notice of the hearings on the petition of said Town Board for said incorporation of the Township of Grow, County of Anoka, State of Minnesota, as the Village of Andover, and upon the motion for the expansion of the area to be considered for incorporation were duly given as required by statute. The Municipal Commission of the State of Minnesota, duly convened by a lawful quorum at the scheduled hearings. All interested parties attending said hearings, either in person or by counsel, were heard and participated in the hearings. Oral and documentary evidence was considered and admitted into evidence at the hearings.

IV.

The areas to be incorporated as the City of Andover, Anoka County, Minnesota, is described as follows:

All portions of Ramsey Township, Anoka County, Minnesota, lying East of the thread of the Rum River,
and
All of the Township of Grow, Anoka County, Minnesota, except those portions of said township lying West of the thread of the Rum River.

The above described area is an alteration of the originally proposed area pursuant to M.S. 414.02, Subdivision 3. The alteration was not opposed by any of the parties and is in accord with the statutory criteria.

V.

The quantity of land, both platted and unplatted, embraced within the foregoing description is approximately 22,724.8 acres.

VI.

Approximately 1,007.2 acres of said area is currently platted, with approximately 21,717.6 acres being unplatted.

VII.

The assessed valuation of the area to be incorporated for the year 1973 was \$14,696,073.00, as certified by the Anoka County Auditor.

VIII.

The present population of the area to be incorporated is approximately 7,000 people. The 1970 population of Grow Township according to the federal census was 3,830. This is an increase over past population in 1950 of 751 and 1960 of 1,179.

IX.

The area to be incorporated has no municipal sewer or water facilities, both such facilities being served by private systems; however, a Metropolitan Sewer Board Interceptor abuts the southerly boundary of the area just east of Crooked Lake and the Township of Grow has completed a preliminary study of the sanitary sewage system needs of the township.

X.

Police protection for the area is provided by the Anoka County Sheriff's Office.

XI.

Fire protection for the area is provided by contract with the City of Anoka.

XII.

The Township of Grow is in the process of preparing and adopting a Comprehensive Plan for future growth.

XIII.

The area proposed for incorporation, has, until the last few years, been primarily agricultural and beyond the area of metropolitan growth; however, recent rapid development pressures in population growth have brought with them a need for municipal services in the area proposed for incorporation.

XIV.

The area proposed for incorporation has several business and industrial establishments, located primarily along Bunker Lake Road, the number thereof having increased steadily in the last few years.

XV.

It is anticipated that the population, assessed valuation, and residential, commercial and industrial construction, will continue to grow at an ever increasing rate in the future.

XVI.

The Township of Grow has had in effect for several years, the Comprehensive Zoning Ordinance and Platting Ordinance.

XVII.

There is now, and will be in the immediate future, a need for ever increased governmental service in the area proposed for incorporation and the Village form of government will be better able to protect the health safety and welfare of the residents within the area.

XVIII.

The area proposed to be incorporated can be best served as one unit in the matters of community planning, installation of thoroughfares, street systems, sewer systems, water systems, fire and police protection, recreational and other vital and necessary community services.

XIX.

The township form of government in the area proposed for incorporation is inadequate to cope with the problems of urban and suburban growth and development within the area, and does not efficiently and economically provide the necessary services for the residents.

XX.

The area proposed for incorporation contains no physical features which would render impractical provision of municipal services to all parts of the area.

XXI.

The name of the proposed village is Andover.

XXII.

The plan of government suitable for the area to be incorporated is Optional Plan A as set out in applicable Minnesota Statutes.

XXIII.

It is in the best interest of the public that the area proposed for incorporation be incorporated as a village so that municipal services in the area can be more efficiently and economically provided to the present residents thereof and to future residents thereof.

CONCLUSIONS OF LAW

I.

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

II.

The area to be incorporated as the Village of Andover is described as follows:

All portions of Ramsey Township, Anoka County, Minnesota, lying East of the thread of the Rum River,
and
All of the Township of Grow, Anoka County, Minnesota, except those portions of said township lying West of the thread of the Rum River

III.

The area to be incorporated as a village is such that the existing Township form of government is no longer adequate to protect the health, safety and welfare of its residents, and future residents in relation to the past and projected growth of the area.

IV.

All of the area to be incorporated can feasibly and practically provide for, and best serve, the needs for governmental

services presently and as they become necessary in the future, as a Village, and the area proposed for incorporation is fit to be governed by a single municipal government.

V.

That the area proposed for incorporation is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.

VI.

The area proposed for incorporation presently has and will continue to have a sufficient assessed valuation to provide tax revenue needed to pay for required municipal services.

VII.

The area proposed for incorporation presently has a population of 7,771 people and said population is sufficient to allow efficient and economical provision of municipal services.

VIII.

The name of the new municipality shall be the Village of Andover.

IX.

The plan of government shall be Optional Plan A.

X.

That, pursuant to Minnesota Statutes Annotated, Chapter 414, as amended, the Municipal Commission of the State of Minnesota, determines as a matter of law that it is appropriate for the area proposed for incorporation to incorporate as a Village.

ORDER

Upon the foregoing FINDINGS OF FACT AND CONCLUSION OF LAW, and upon all the testimony taken and exhibits received and upon the records herein, the Municipal Commission of the State of Minnesota, being fully advised in the premises, pursuant to M.S.A. Chapter 414, as amended:

IT IS HEREBY ORDERED:

That all of the following described area:

All portions of Ramsey Township, Anoka County, Minnesota, lying East of the thread of the Rum River,
and

All of the Township of Grow, Anoka County, Minnesota, except those portions of said Township lying West of the thread of the Rum River.

be incorporated as the City of Andover.

IT IS FURTHER ORDERED:

That the ~~primary~~ ^{general} election of officers in the new City of Andover shall be held on the 5th day of November, 1974 from 7:00 a.m. to 8:00 p.m., that the polling place for the first election of officers shall be the present town hall of Grow Township, and that the acting Clerk for election purposes shall be Arthur Jaworski. The following shall be election judges for the first election of officers:

Lois Benson
Janett Eveland
Rene Kroll
Sharon Rzeszutek
Margaret Wick
Patricia Dahl
Adele Barnes
Lennart Noren
Willis Olson

~~The final general election of new municipal officials shall be conducted on December 10, 1974 in the same manner.~~

IT IS FURTHER ORDERED:

The Acting Clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the election. At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general publication within the new municipality stating the first and the last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours and the amount of the filing fee.

IT IS FURTHER ORDERED:

The Acting Clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks

immediately prior to the election date. The election notice shall state the purpose, date, and polling places for the election, the time the polls shall be open, which time shall be at least five hours.

IT IS FURTHER ORDERED:

The election shall be conducted in conformity with the laws for conducting city elections in so far as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

IT IS FURTHER ORDERED:

That the plan of government for the new City of Andover shall be Optional Plan "A".

IT IS FURTHER ORDERED:

That the Secretary of the Municipal Commission of the State of Minnesota shall cause copies of this Order to be mailed as provided by law.

IT IS FURTHER ORDERED:

~~That the commission retain jurisdiction in this proceeding for the limited purpose of determining population and special levies pursuant to M.S. 414.01, Subdivisions 14 and 15.~~

That the population of the city herein created shall be 7,714 persons for all purposes until the next regular census.

IT IS FURTHER ORDERED:

That the effective date of the incorporation shall be ~~December 15, 1974~~ November 12, 1974.

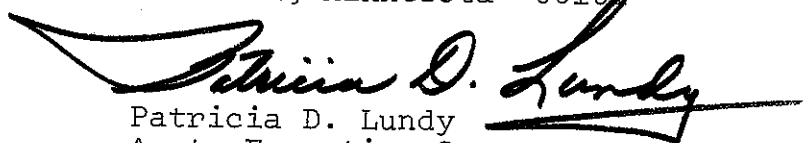
IT IS FURTHER ORDERED:

That a supplementary hearing may be held at a future date


to be announced by the commission to determine whether a special levy should be authorized to meet increased costs due to the incorporation.

Dated this 6th day of September, 1974

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55107


Patricia D. Lundy
Asst. Executive Secretary

Amended Order dated this 25th day of September, 1974


Howard L. Kaibel, Jr.
Executive Secretary