

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Lea De Souza Speeter	Chair
Paul B. Double	Vice Chair
Robert J. Ferderer	Vice Chair
Myra Peterson	Ex-Officio Member
Mary Hauser	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR THE INCORPORATION OF THE)
TOWN OF GRANT PURSUANT TO)
MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER
AND MEMORANDUM OPINION

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 on July 11, 1996, in the Grant Town Hall, Washington County, Minnesota. The hearing was conducted by Lea De Souza Speeter, Chair, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert J. Ferderer and Paul B. Double, Vice Chairs, and County Commissioners Mary Hauser and Myra Peterson, Ex-Officio Members of the Board. The Town of Grant appeared by and through Timothy Keane, Attorney at Law. There were no other appearances of record. Testimony was heard and records and exhibits were received.

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 June 6, 1996, a copy of a petition for incorporation by the Grant Town Board of Supervisors was filed with the Minnesota Municipal Board. The petition contained all of the information required by statute, including a description of the territory for incorporation, which is as follows:

All of the Town of Grant, Washington County, State of Minnesota.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. The area subject to incorporation, hereinafter referred to as "Town," is unincorporated, and approximately 27 square miles in total area or 17,297 acres including approximately 1,256 homestead parcels and 634 non-homestead parcels. The Town abuts the Cities of Dellwood, Mahtomedi, Pine Springs, and White Bear Township to its West, the City of Hugo and May Township to its North, Stillwater Township to its East, Lake Elmo to its South and Bay Town Township to its Southeast.

4. The soils are variable as a result of glaciation. The soils are a heterogeneous mixture of parent materials scoured and carried in from Canada and northern Minnesota. The soils were further mixed and re-stratified by moraine building and water melting. As such, the soils are marginal for agricultural use.

5. The Town had a population of approximately 1,797 in 1970, a population of approximately 3,083 in 1980, a population of approximately 3,778 in 1990, and as of April 1, 1995, a population of approximately 4,022.

This represents a 123% increase over the 1970 population of 1,792. The

Metropolitan Council has indicated that the Town could grow to a population of 6,200 by the year 2010 and to 8,990 by the year 2020 if current trends continue.

The Town is the eleventh most populous unit of government of a total of 34 within Washington County, hereinafter referred to as "County."

The Town's population, assessed valuation, and residential construction is anticipated to grow. Households have increased from 438 in 1970 to the current 1995 estimate of 1,296.

6. The Town is primarily a residential community located on the northeast edge of the urbanized metropolitan area. The Town has approximately 6,652 acres in residential use, approximately 761 acres in institutional use, approximately 60 acres in commercial use, approximately 5,355 acres in agricultural use, and approximately 2,919 acres in vacant land. The Town has approximately 1,362 acres of lakes and wetlands. Residential is the most prevalent land use comprising 38.5 percent of the land area. State trails and right-of-ways account for approximately 188 acres.

7. The Town has a well developed network of arterial and collector roads serving travel to and through the community. Major roads include TH-36, Manning Avenue (CSAH 15), 75th Street (CSAH 12), Dellwood Road (TH-96), Jamaca Avenue, Hamlet/117th/120th (CSAH 10), Lake Elmo Avenue North (Co. 17A), Kimbro Avenue North (CSAH 9), Julienne Avenue North (CSAH 9) and Ironwood Avenue North. The Town is provided access to the entire Metropolitan Area by the adjacent I-694/494 freeway ring, as well as I-35E and TH-36.

There are approximately 81.71 miles of state, county and town roads in the

Town. Approximately 19.6 miles of the 54 miles of Town roads are paved. In the 1980's, the Town adopted a requirement that new developments must be developed with paved roads.

8. The Town has adopted and enforced a residential density of 1 unit per 10 acres. It is anticipated that the density of any residential development that will occur in the remaining approximately 8,200 acres of vacant land, which includes 5,355 acres of land currently in agricultural use, will average 64 units per 640 acres. There are presently approximately 65 vacant lots within the Town.

9. The Town presently provides police protection, storm water, fire protection, street improvements and maintenance, administrative services, and recreational facilities through joint powers agreements and other cooperative and contractual arrangements with the County and surrounding cities and towns. Presently sanitary sewer, septic and water are provided by private systems.

10. The Town has developed a road maintenance program that provides for the grading of its gravel roads as required. Public recreational facilities include four public parks and the DNR Gateway Trail. Commercial recreation facilities include riding stables and three golf courses.

11. The Town's zoning ordinance requires developers of new residential areas to donate a portion of the land for park dedication or pay a fee to be used for recreational purposes.

12. Electrical service is provided by Northern States Power Company.

13. Town fire protection is provided through compact agreements with the Cities

of Stillwater and Mahtomedi. The Town's fire rating is 4 - 5.

14. There is presently no known septic system pollution in the Town. Given the soil conditions and the development within the Town, the Town has indicated that stringent sanitary septic system review and maintenance will continue to be undertaken to avoid negative environmental impacts.

15. Resolutions of support for this incorporation have been entered into the record from the Cities of Dellwood, Lake Elmo, Pine Springs, Mahtomedi, and Hugo; Resolutions of support have been entered into the record from the Township of Bay Town, White Bear and May. Stillwater Township is on record neither opposing nor supporting the proposed incorporation. None of the abutting cities or townships have indicated a willingness to annex portions of the Town and service the Town with municipal services. None of the residents of the Town are seeking or have indicated any desire to seek annexation to an adjacent city for services.

16. The Town has a zoning ordinance, subdivision regulations, budget, fire regulations, shoreland regulations, and sanitation ordinance. The Town adopted a comprehensive plan in August 1982. The Town is well into the process of updating the comprehensive plan and anticipates adoption in the spring of 1997.

17. The Town is presently classified as part of the Rural Service Area in the plans of both the Metropolitan Council and the County. The Town's Comprehensive Plan, adopted in 1982, reflects and supports this classification and the associated land use/growth management policies. The Town zoning generally permits only low density and agricultural use. Residential development is restricted to a one-unit/ten-acre density

throughout the community. At the direction of the Town Board, the Grant Planning Commission has initiated a review and update of the Comprehensive Plan, as required by the 1995 Land Planning Act Amendments.

18. The west side of the Town is served by Mahtomedi School District No. 832 and the east side of the Town is served by Stillwater School District No. 834.

19. The Town's market value for 1996 is approximately \$231,478,200 with a net tax capacity of \$4,299,538.

20. The 1996 tax rates are as follow: the Town's tax rate is 7.601; the tax rate for the County is 29.760; the tax rate for School District No. 832 is 73.333; the tax rate for School District No. 834 is 65.605; and the tax rate for the Special Taxing District is 1.997.

21. The 1996 Town budget is \$585,000. The total bonded indebtedness as of July 1, 1996, for the Town is \$570,000. The tax rate of the Town is stable to slightly declining.

22. The Town is projected to receive an estimated \$250,000 - \$300,000 in Minnesota State Highway Aids if it is incorporated and meets the 5,000 population requirement.

23. The name of the proposed city is Grant.

24. The proposed city plan of government suitable for the area to be incorporated is Optional Plan "A" with a city council of five members, consisting of four councilpersons and the mayor. The mayor's term would be four years long.

25. The Town's population is sufficiently distributed throughout the Town so that the most suitable method of electing the four councilpersons is an "at-large vote" of the

Town residents. The Town Board did not indicate a desire or need for a ward system method of electing the councilpersons.

26. The City form of government is best suited to cope with the challenges of urban and suburban growth and development within the Town and will most efficiently and economically provide the necessary services for the residents.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. Incorporation is in the best interests of the Town of Grant.

3. There is now and will continue to be a need for increasing governmental services in the Town. Municipal government is presently required to protect the public health, safety, and welfare in the Town of Grant.

4. The Town of Grant has portions of it that are now urban and suburban or about to become so. There was no evidence received that any adjacent municipality is capable of providing the necessary services to those portions of the Town of Grant.

5. The Town can be best served as a city in the matter of community planning, installation of thoroughfares, street systems, sanitary sewer septic and water systems, fire and police protection, recreational and other vital and necessary community services.

6. The best interests of the area will be furthered by incorporation.

7. The Minnesota Municipal Board, having fully considered the record in this matter and the factors required pursuant to Minnesota Statutes Section 414.02, does direct issuance of an order approving the incorporation, and ordering an election of new

municipal officers.

ORDER

1. IT IS HEREBY ORDERED: That the Town of Grant, more particularly described in Findings of Fact 1, be and the same hereby is incorporated into a city.

2. IT IS FURTHER ORDERED: That the city shall be named Grant.

3. IT IS FURTHER ORDERED: That the population of the City of Grant is 4,022 according to the State Demographer's Office.

4. IT IS FURTHER ORDERED: That the plan of government for the new City of Grant shall be Optional Plan "A." The city council shall have five members, consisting of four councilpersons and the mayor. The mayor's term shall be four years.

5. IT IS FURTHER ORDERED: That the City of Grant shall elect all of its councilpersons and mayor at-large, and that there are no wards within the City of Grant.

6. IT IS FURTHER ORDERED: That the ordinances of the Town of Grant, as well as the Land Use and Planning Controls and other ordinances, and all license privileges including the number of liquor licenses already authorized by the State of Minnesota, of the County of Washington, shall continue in effect within the former boundaries of the Town of Grant, until repealed or replaced by the governing body of the new City of Grant.

7. IT IS FURTHER ORDERED: That upon incorporation all money, claims or properties including real estate owned, held or possessed by the former Town, and any proceeds or taxes levied by such town, collected or uncollected, shall become the property of the new City of Grant with full power and authority to use and dispose of for such public

purposes as the council deems best subject to claims of the creditors. This will include cash reserves/fund balances of the Town and all public property and equipment held by the town.

8. IT IS FURTHER ORDERED: That the Town of Grant's outstanding indebtedness, prior to incorporation, will be the financial obligation of property owners within that former tax district.

9. IT IS FURTHER ORDERED: That the first election of officers for the new City of Grant shall be held on the 5th day of November, 1996. 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.

10. IT IS FURTHER ORDERED: That the hours of the election shall be from 7:00 a.m. to 8:00 p.m.

11. IT IS FURTHER ORDERED: That the polling place and election judges for the election of officers shall be as follows:

Polling Place: The Grant Town Hall, 8380 Kimbro Avenue, North, Grant, Minnesota.

Election Judges: Bob Carlson, Sheila Davis, Audrey Denney, Eugene Eastlund, Beth Eumurian, Karen Gochberg, Deborah Graul, Myra Greeder, Diane Hagstrom, LaVonne Hessler, Sandra Johnson, Lynn Keller, Beth Kranz, Fran LaFave, John Lane, Alma Limbach, Hazel Linder, Fred Livesay, Oree Robinson, Sharon Schwarze, Sharon Skubinna, Lou Sorensen, Dorothy Surles, and Lorrie Wood

Alternate Election Judges: Corine Livesay, Karen Millet, Sandra Ness, Barbara Raboin, and Karen Rossbach

12. IT IS FURTHER ORDERED: That the Acting Clerk for election purposes shall be Deborah Graul.

13. IT IS FURTHER ORDERED: That 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 and not less than two weeks before the election.

The two persons receiving the two highest number of votes for councilperson, will be elected to terms ending January 1, 2001, but the councilperson will serve until that councilperson's successor qualifies. The persons receiving the third and fourth highest number of votes for councilperson will be elected to terms ending January 1, 1999, but the councilperson will serve until that councilperson's successor qualifies. The ballot shall be composed so that each voter shall be permitted to vote for four persons for councilpersons at-large and one person for mayor.

The mayor's term ends January 1, 2001, but the mayor will serve until the successor mayor qualifies.

In all other respects, the election shall be conducted in conformity with the provisions of the Minnesota Statutes concerning the conduct of municipal elections insofar as applicable.

14. IT IS FURTHER ORDERED: That the first meeting of the City of Grant Council shall be called by the mayor in accordance with the procedures set forth in Minnesota Statutes as soon as practicable.

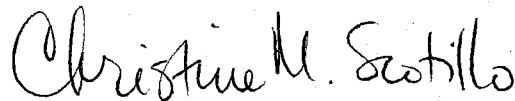
15. IT IS FURTHER ORDERED: That the Minnesota Municipal Board retains jurisdiction for the purpose of determining the population of the newly incorporated

municipality, if the present population determination is found to be incorrect.

16. IT IS FURTHER ORDERED: That the effective date of this Order is
November 12, 1996.

Dated this 6th day of September, 1996.

MINNESOTA MUNICIPAL BOARD
Suite 475 McColl Building
366 Jackson Street
St. Paul, MN 55101-1925

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director

I-61 Grant

MEMORANDUM

The present configuration of the Town of Grant includes land in the East One-Half of Section Seven (7) consisting of approximately 40 acres that is presently surrounded on three sides by the corporate limits of the City of Dellwood and on the west side by White Bear Township.

Although the Town of Grant indicated that it would not object to this portion of the Town being annexed to the City of Dellwood, it did not present any evidence at the hearing that the status of this parcel had been adequately considered by either Grant or the City of Dellwood prior to the hearing. The Municipal Board has included this parcel in its Order approving the Town of Grant's incorporation petition and recommends that the City of Dellwood and the City of Grant explore the possibility of concurrent detachment and annexation of the island from the City of Grant to the City of Dellwood.

Hearing testimony indicated that the Town of Grant provides police and fire protection, storm water, street improvements and maintenance, administrative services and recreational facilities through joint powers agreements and other cooperative and contractual agreements. The Board was impressed with the Town's assertions that if incorporated, those cooperative arrangements would continue.

The Municipal Board, therefore, commends Grant on its shared service arrangements and encourages the continuation of those agreements.

CWS