

**BURNS TOWNSHIP
COUNTY OF ANOKA
STATE OF MINNESOTA**

RECD BY
MAM B

DEC 12 2007

RESOLUTION NO. 2007-24

**IN THE MATTER OF THE PETITION OF BURNS TOWNSHIP FOR
INCORPORATION PURSUANT TO MINNESOTA STATUTES § 414.02**

BE IT RESOLVED, by the Town Board of Supervisors of Burns Township, Anoka County, Minnesota ("Township") as follows:

WHEREAS, the Township is not included within the limits of any incorporated municipality and includes land that has been platted into lots and blocks in the manner provided by law; and

WHEREAS, the Township is not a party to any orderly annexation agreement under Minnesota Statute § 414.025; and

WHEREAS, Minnesota Statutes Section § 414.02 provides the exclusive method of incorporating a municipality in the State of Minnesota; and

WHEREAS, the Minnesota State Demographer's Office has estimated the Township's 2006 population to be 4,308 residents; and

WHEREAS, the Township, is now, or is about to become, urban or suburban in character; and

WHEREAS, the Township currently possesses the necessary resources to provide for its economical and efficient operation as a municipality; and

WHEREAS, the existing Township form of government is not best suited to protect the public health, safety and welfare as the Township develops; and

WHEREAS, incorporation would be in the best interest of the Township; and

WHEREAS, the Township has adopted a Comprehensive Plan, zoning controls, and subdivision controls within the Township; and

WHEREAS, the Township is only one of two Townships remaining in Anoka County; and

WHEREAS, the Township is entirely surrounded by incorporated municipalities and abuts one township on its corner; and

WHEREAS, there has been a rapid increase in population within the Township in recent years, and future increases are projected; and

WHEREAS, areas within the Township, are now, and will be in the future, the subject of urban and suburban scale development; and

WHEREAS, incorporation as a city would provide the Township with stable borders within which to efficiently plan for the intensification of municipal services such as police and fire protection; and

WHEREAS, the Township does not currently receive Municipal State Aid funding for street construction, but if incorporated would be eligible for said funding at such time as its incorporated population reached 5,000; and

WHEREAS, incorporation as a city would make the newly incorporated city eligible for substantial Local Government Aid from the State; and

WHEREAS, incorporation as a city would significantly increase the economic development tools available to the Township, thus promoting economic development within the Township; and

WHEREAS, incorporation as a city would vest liquor licensing authority in the newly incorporated city, rather than with Anoka County, resulting in increased local control of liquor licensing; and

WHEREAS, incorporation as a city would vest charitable gambling approval authority in the newly incorporated city, rather than with Anoka County, resulting in increased local control of charitable gambling; and

WHEREAS, the Township has taxable market valuation, tax capacity, and indebtedness, as listed on the attached Exhibit A and herein incorporated by reference; and

WHEREAS, the cities of Elk River, Oak Grove, Ramsey and St. Francis are the only jurisdictions which abut the area proposed for incorporation; and

WHEREAS, the cities of Elk River, Oak Grove, Ramsey and St. Francis and Livonia Township have all passed resolutions declaring their support for the incorporation of the Township, and copies of said resolutions are attached hereto as Exhibits A1 through A5; and

WHEREAS, Board of Commissioners of Anoka County has passed a resolution declaring its support for the incorporation of the Township, and a copy of said resolution is attached hereto as Exhibit B; and

WHEREAS, incorporation of the Township will have no adverse effect on communities adjacent to Burns, nor on school districts within and adjacent to the area; and

WHEREAS, the Township believes that incorporation into a city form of government will allow for the more efficient administration of the area within the Township, thus advancing the public health, safety and welfare; and

WHEREAS, the Town Board has determined that the name of the newly created City should be "Nowthen" which has been the name of the town site located within the Township for nearly 100 years; and

THEREFORE BE IT RESOLVED that the Town Board of Supervisors of Burns Township, Anoka County, Minnesota declares that:

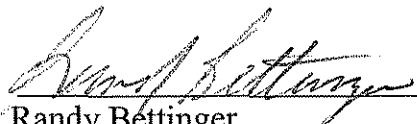
1. Burns Township, through this resolution, formally requests that the Office of Administrative Hearings, Municipal Boundary Adjustments, institute a public hearing pursuant to Minn. Stat. § 414.02, Subd. 2, and upon reviewing the evidence presented at such hearing, enter an order incorporating the Township of Burns as the City of Nowthen pursuant to Minn. Stat. § 414.02, Subd. 3.
2. That prior to the hearing on this matter the Office of Administrative Hearings notify all municipalities and political subdivisions abutting Burns Township, Anoka County, and each planning agency which has jurisdiction over the affected area, all of which are listed on the attached Exhibit C which is herein incorporated by reference.
3. That the final order of the Board establish the boundaries of the City of Nowthen at those as set forth on the attached Exhibit D "Proposed Legal Description of the Corporate Boundary of the City of Nowthen" and as shown on the attached Exhibit E "Proposed Corporate Boundary Map of the City of Nowthen" which are herein incorporated by reference.
4. That the final order provide for election of Municipal Officers in accordance with Minn. Stat. § 414.09, Subd. 3 and for the ordering of an at-large election of City council members and mayor, and to provide that the Plan of Government shall be "Optional Plan A" with regular City Elections thereafter in every even-numbered year.

REC'D BY
AAMB

DEC 12 2007


ADOPTED by the Town Board of Supervisors this 30th day of October, 2007.

BURNS TOWNSHIP



Randy Bettinger
Town Board Chairman

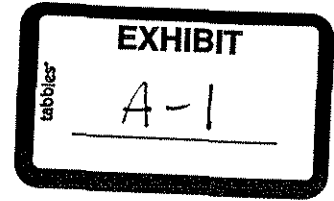
ATTEST:



Corrie LaDoucer
Town Clerk



13065 Orono Parkway
Elk River, MN 55330



REC'D BY
MAM B

DEC 12 2007

STATE OF MINNESOTA)
COUNTY OF SHERBURNE) SS
CITY OF ELK RIVER)

I, the undersigned, being the duly appointed and qualified City Clerk of the City of Elk River, Minnesota, DO HEREBY CERTIFY that the attached is a true and correct copy of Resolution Number 07-81, which was adopted by the Elk River City Council at its meeting held on the 1st day of October 2007, insofar as said related to Supporting Incorporation of Burns Township.

WITNESS my hand officially and the official seal of the City this 22nd day of October 2007.

Tina Allard
City Clerk

(SEAL)

RECD BY
AMB

DEC 12 2007

RESOLUTION 07-81

A RESOLUTION OF THE CITY OF ELK RIVER

**A RESOLUTION SUPPORTING INCORPORATION OF BURNS
TOWNSHIP**

WHEREAS, Burns Township intends to incorporate pursuant to Minnesota Statutes Section 414.02; and

WHEREAS, the City of Elk River abuts the "affected territory" of Burns Township and will be given notice of the proposed incorporation as required by Minnesota Statutes Sections 414.02 and 414.09; and

WHEREAS, the increased municipal powers that Burns will be able to exercise upon incorporation will enhance the health, safety, and welfare of the citizens of the entire area, including the citizens of Burns Township and the citizens of the City of Elk River.

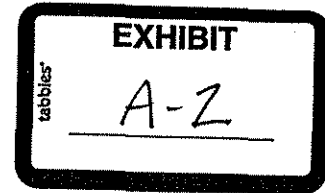
NOW, THEREFORE, BE IT RESOLVED by the Elk River City Council that for the foregoing reasons, the City of Elk River supports the proposed incorporation of Burns Township into a city.

Passed and adopted this 1st day of October 2007.


Stephanie Klinzing, Mayor

ATTEST:


Tina Allard, City Clerk



City Hall
19900 Nightingale Street NW
Cedar, Minnesota 55011
Telephone (763) 753-1920
Fax (763) 753-6271

RECD BY
MAM

DEC 12 2007

October 10, 2007

Corrie LaDoucer
Township Clerk
Burns Township
19800 Nowthen Blvd NW
Anoka, MN 55303

Dear Corrie:

Attached is a certified copy of Resolution 07-66 that was approved by the Oak Grove City Council at their October 8, 2007 Regular Meeting. Many changes are in store for Burns Township as it becomes a City – it wasn't that many years ago that Oak Grove faced those same challenges. The City of Oak Grove is in full support of Burns Township as it begins the incorporation process.

Good luck to you too,

A handwritten signature in cursive script that reads "Sherry Fiskewold".

Sherry Fiskewold
City Clerk

REC'D BY
MMS

DEC 12 2007

CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF ANOKA) ss.
CITY OF OAK GROVE)

I, the undersigned, being the duly qualified City Clerk of the City of Oak Grove, Anoka County, Minnesota, do hereby certify that I have carefully compared the attached Resolution 07-66 with the original thereof on file in my office, and the same is a full, true and correct copy thereof and was approved by the Oak Grove City Council on the 8th day of October, 2007.

Witness my hand as City Clerk and corporate seal of the City of Oak Grove this 10th day of October, 2007.



Sheryl F. Fiskewold, City Clerk

(SEAL)

RECD BY
MAB

DEC 12 2007

RESOLUTION 07-66

**CITY OF OAK GROVE
COUNTY OF ANOKA
STATE OF MINNESOTA**

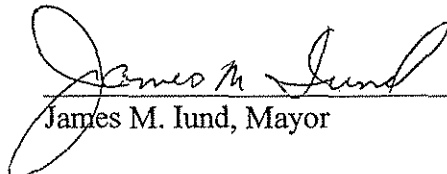
WHEREAS, Burns Township intends to incorporate pursuant to Minnesota Statutes 414.02; and

WHEREAS, the City of Oak Grove abuts the "affected territory" of Burns Township and will be given notice of the proposed incorporation as required by Minnesota Statutes 414.02 and 414.09; and

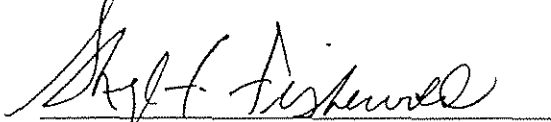
WHEREAS, the increased municipal powers that Burns will be able to exercise upon incorporation will enhance the health, safety and welfare of the citizens of the entire area, including the citizens of Burns Township and the citizens of the City of Oak Grove.

NOW, THEREFORE, BE IT RESOLVED, that the Oak Grove City Council hereby declares their support for the foregoing reasons, the proposed incorporation of Burns Township into a city.

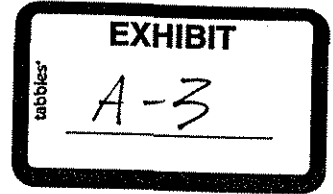
Passed and adopted this 8th day of October, 2007.


James M. Iund, Mayor

ATTEST:


Sheryl F. Fiskewold, Clerk

CERTIFICATION

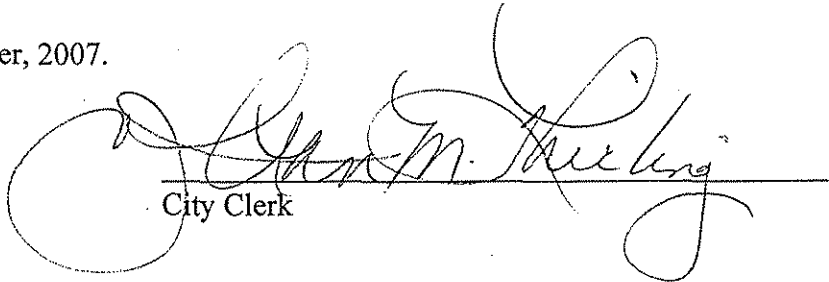


State of Minnesota)
)
County of Anoka)
)
City of Ramsey)

REC'D BY DEC 12 2007
MAB

I hereby certify that the foregoing Resolution #07-10-289 is a true and correct copy of a resolution to and adopted by the City Council of the City of Ramsey at a meeting thereof held in the City of Ramsey, Minnesota, on the 23rd day of October 2007, as disclosed by the records of said City in my possession.

Dated this the 30th day of October, 2007.



City Clerk

(CITY SEAL)

Councilmember Elvig introduced the following resolution and moved for its adoption:

RESOLUTION #07-10-289

RESOLUTION SUPPORTING INCORPORATION OF BURNS TOWNSHIP

WHEREAS, the City of Ramsey received notice of intent to incorporate from Burns Township, dated September 21, 2007; and

WHEREAS, the City of Ramsey has provided Fire Service to the west-side of Burns Township since September 2003 and for the entire township beginning in August 2006 and has enjoyed this mutually-beneficial provision of municipal services; and

WHEREAS, City Council discussed the incorporation of Burns Township at a work session on October 2, 2007; and

WHEREAS, the Ramsey city staff has met with representatives of Met Council, DNR, and other abutting cities to explore opportunities regarding the availability and access to urban services if Burns Township were to develop in an urban manner; and

WHEREAS, the City of Ramsey has been directed by the DNR to pursue sources other than ground water for its municipal water service and the City of Ramsey has completed a study of a surface water system from the Mississippi River; and

WHEREAS, the City of Ramsey has explored opportunities to allow this new surface water system to be regional in benefit and has worked with DNR to ensure that this new system will be taken into consideration with future requests for ground water permits of abutting cities.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

- 1) That the City Council of the City of Ramsey supports the incorporation of Burns Township with the understanding that at such time that the incorporated city pursues development that requires urban services (water and sewer), the incorporated city would procure those resources from existing services in an abutting city.
- 2) The City of Ramsey supports a continued land use designation that will maintain and create appropriately sized rural lots that will allow for orderly and logical development when public sewer and water services are available.
- 3) The City of Ramsey looks forward to a continued mutually-beneficial partnership for the provision of municipal services with Burns Township and the future incorporated city.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Olson, and upon vote being taken thereon, the following voted in favor thereof:

- Mayor Gamec
- Councilmember Elvig
- Councilmember Olson
- Councilmember Dehen
- Councilmember Look

and the following voted against the same:

None


and the following abstained:

None

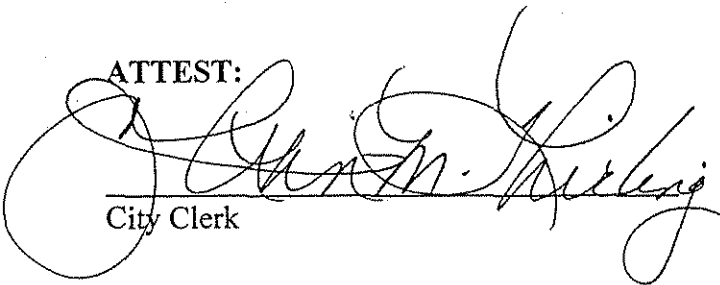
and the following were absent:

- Councilmember Jeffrey
- Councilmember Strommen

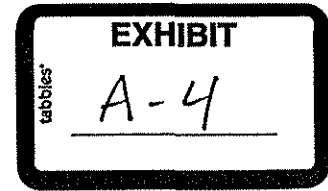
Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 23rd day of October 2007.



Mayor

ATTEST:


City Clerk



STATE OF MINNESOTA)
COUNTY OF ANOKA)
CITY OF ST. FRANCIS)

REC'D BY
AAMB DEC 12 2007

I, the undersigned, being duly qualified and acting Clerk of the City of St. Francis, Minnesota, hereby certify that I have carefully compared the attached Resolution 2007-61 with the original adopted at a regular meeting of the City Council held on October 15, 2007 and find that the attached Resolution 2007-61 is a full, true and correct copy, with the original thereof on file in my office, which was introduced by Council member Schaffer, seconded by Council member Jones and unanimously adopted by the City Council with the following members present: Schaffer, Jones and Brown.

And the following members absent: Dressen and Kane.

WITNESS My hand as Clerk and the corporate seal of the City this 16th day of October, 2007.

A handwritten signature in black ink, appearing to read "Barbara I. Held". The signature is written in a cursive style and is positioned above a horizontal line.

(SEAL)

Barbara I. Held, City Clerk
City of St. Francis

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

RECD BY
AAMB

DEC 12 2007

RESOLUTION 2007-61

A RESOLUTION SUPPORTING INCORPORATION
OF BURNS TOWNSHIP

WHEREAS, the City of St. Francis abuts the "affected territory" of Burns Township and will be given notice of the proposed incorporation as required by Minnesota Statutes §414.02 and §414.09; and

WHEREAS, the increased municipal powers that Burns will be able to exercise upon incorporation will enhance the health, safety and welfare of the citizens of the entire area, including the citizens of Burns Township and the citizens of the City of St. Francis.

NOW THEREFORE BE IT RESOLVED by the St. Francis City Council that for the foregoing reasons, the City of St. Francis supports the proposed incorporation of Burns Township into a city.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 15TH
DAY OF OCTOBER, 2007.

APPROVED:

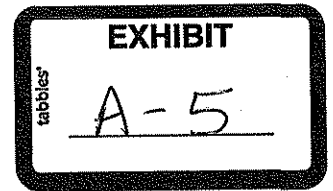


R. J. Dressen, Mayor

ATTEST:


Barbara I. Held, City Clerk

Livonia Township
County of Sherburne
State of Minnesota



RESOLUTION SUPPORTING INCORPORATION
OF BURNS TOWNSHIP

RECD BY
A.M.B.

DEC 12 2007

Resolution No. 07-20

WHEREAS, Burns Township intends to incorporate pursuant to Minnesota Statutes §414.02; and

WHEREAS, Livonia Township abuts the "affected territory" of Burns Township and has been given notice of the proposed incorporation as required by Minnesota Statutes §414.02 and §414.09; and

WHEREAS, the increased municipal powers that Burns will be able to exercise upon incorporation will enhance the health, safety and welfare of the citizens of the entire area, including the citizens of Burns Township and the citizens of Livonia Township.

NOW THEREFORE BE IT RESOLVED by the Livonia Township Town Board that for the foregoing reasons, Livonia Township supports the proposed incorporation of Burns Township into a city.

This resolution was adopted the 26th day of November, 2007 by the Livonia Township Town Board.

Don Sherper
Don Sherper, Chairman

ATTEST:

Rose Olson
Deputy Clerk/Treasurer

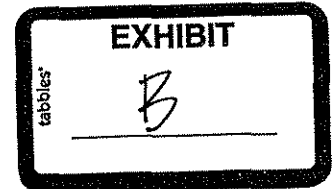


COUNTY OF ANOKA

OFFICE OF COUNTY ADMINISTRATION

GOVERNMENT CENTER
2100 3RD AVENUE • ANOKA, MINNESOTA 55303-2265
(763) 323-5700

October 24, 2007



TIM YANTOS
Deputy County Administrator
Direct #763-323-5692

Ms. Corrie LaDoucer, Town Clerk/Planner
Township of Burns
19800 Nowthen Blvd.
Anoka, MN 55303

REC'D BY
AMB

DEC 12 2007

Dear Ms. LaDoucer:

For your information and file, please be advised that the Anoka County Board of Commissioners, at the most recent meeting of Tuesday, October 23, 2007, adopted the attached Resolution #2007-130, Resolution Supporting Incorporation Of Burns Township.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Tim Yantos
Deputy County Administrator

TY:ts
Attachment

cc: Randy Bettinger, Township of Burns Supervisor, Chair
Jim Scheffler, Township of Burns Supervisor
Bill Schulz, Township of Burns Supervisor
Nathan Madsen, Township of Burns Supervisor
Don Warden, Township of Burns Supervisor

BOARD OF COUNTY COMMISSIONERS

Anoka County, Minnesota

DATE: October 23, 2007

RESOLUTION #2007-130

OFFERED BY COMMISSIONERS: Berg, Lang, West, Kordiak
LeDoux, and Sivarajah

REC'D BY
MAM B

DEC 12 2007

**RESOLUTION SUPPORTING INCORPORATION
OF BURNS TOWNSHIP**

WHEREAS, Burns Township intends to incorporate pursuant to Minnesota Statutes §414.02; and,

WHEREAS, the board of commissioners of Anoka County will be given notice of the proposed incorporation as required by Minnesota Statutes §414.02 and §414.09; and,

WHEREAS, the board of commissioners of Anoka County has encouraged the promotion of economic growth through local governmental action; and,

WHEREAS, the incorporation of Burns Township as a city will help promote economic development in Anoka County through increased use of economic development powers and the increased ability to provide needed municipal services within the township:

NOW, THEREFORE, BE IT RESOLVED that the Anoka County Board of Commissioners, for the foregoing reasons, supports the proposed incorporation of Burns Township into a city.

STATE OF MINNESOTA)
COUNTY OF ANOKA) SS

I, Terry L. Johnson, County Administrator, Anoka County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Anoka County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on October 23, 2007, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 23rd day of October 2007.


TERRY L. JOHNSON
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – BERG	X	
DISTRICT #2 – LANG	X	
DISTRICT #3 – WEST	X	
DISTRICT #4 – KORDIAK	X	
DISTRICT #5 – LEDOUX	X	
DISTRICT #6 – SIVARAJAH	X	
DISTRICT #7 – ERHART	Absent	

EXHIBIT C

RECD BY
MAM B

DEC 12 2007

Jurisdictions entitled to notice of Burns Township's Incorporation petition

City of Elk River
13065 Orono Parkway
Elk River, MN 55330-5600

City Oak Grove
19900 Nightingale Street N.W.
Cedar, MN 55011-9182

City of Ramsey
15153 Nowthen Boulevard N.W.
Ramsey, MN 55303-6140

City of St. Francis
23671 St. Francis Boulevard
PO. Box 730
St. Francis, MN 55070-0730

Livonia Township
P.O. Box 388
11162 265th Avenue
Zimmerman, MN 55398

County of Anoka
2100 3rd Ave. North
Anoka, MN 55303

Metropolitan Council
Metropolitan Council Data Center
390 N. Robert St.
St. Paul, MN 55101

Upper Rum River Watershed Management Organization
c/o Randy Bettinger, Chair
City of Oak Grove
19900 Nightingale Street NW
Cedar, MN 55011

EXHIBIT D

RECD BY
MAB

DEC 12 2007

**Proposed Legal Description Of The Corporate Boundary Of The City Of
Nowthen**

All of sections 1 through 36, Township 33 North, Range 25 West, Anoka County,
Minnesota.

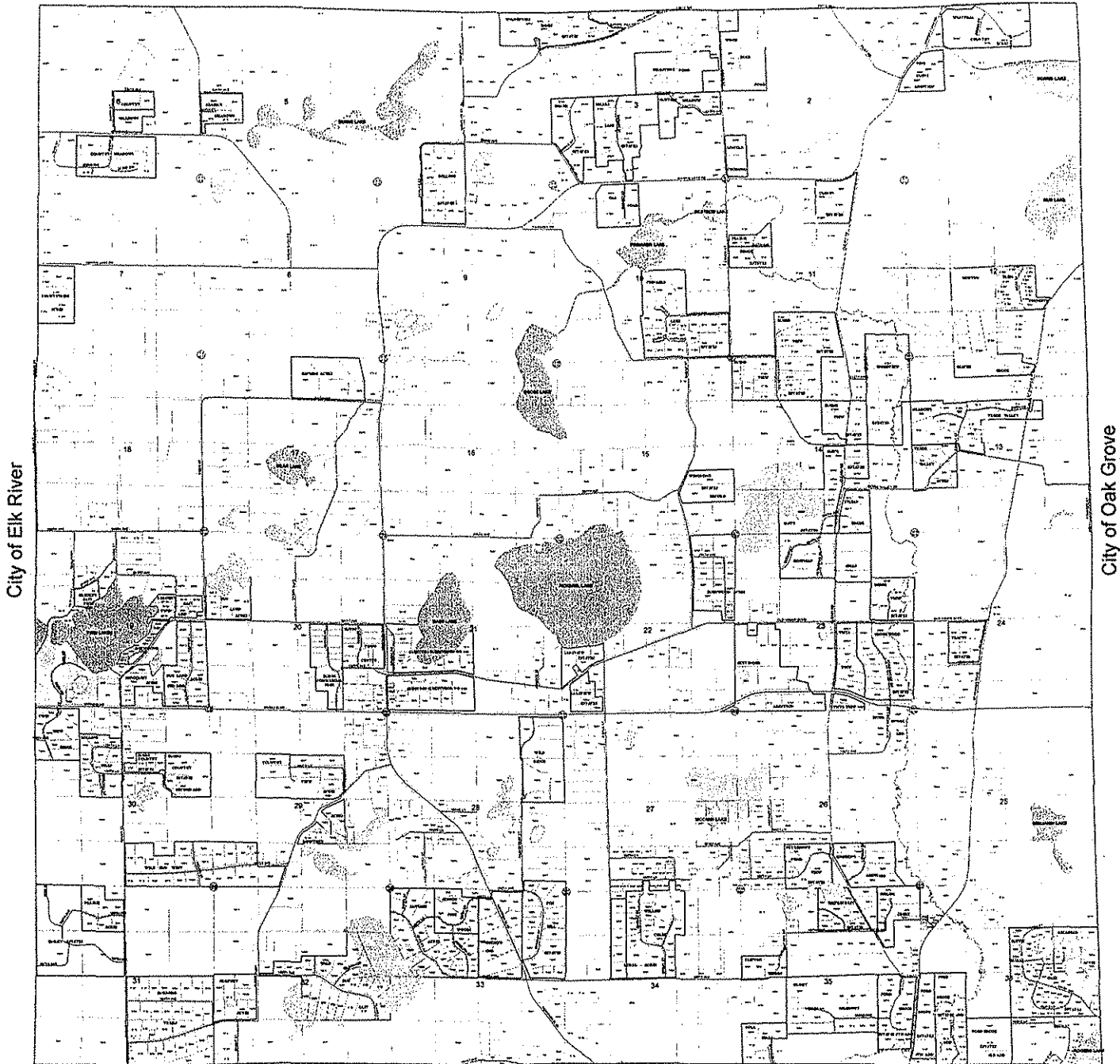
EXHIBIT E

REC'D BY
MAM B

DEC 12 2007

Proposed Corporate Boundary Map of the City of Nowthen

City of St Francis



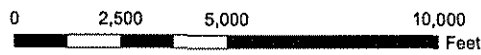
City of Elk River

City of Oak Grove

City of Ramsey

Legend

- Contour
- Property Line
- ▨ River
- ▨ Creek
- ▨ Past Area
- ▨ Township Boundary
- ▨ Lake
- ▨ Pond
- ▨ City Park



SOURCES:
ANOKA COUNTY GIS DEPT;
BURNS TOWNSHIP