

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA
IN THE MATTER OF THE INCORPORATION OF COTTAGE GROVE
TOWNSHIP, WASHINGTON COUNTY, STATE OF MINNESOTA

| | |
|-------------------|---------------|
| Joseph Robbie | Chairman |
| Robert W. Johnson | Vice-Chairman |
| Terrance O'Toole | Member |

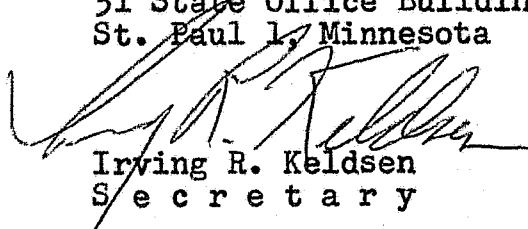
Joseph L. Donovan, Secretary of State of the State of Minnesota, having duly filed a Certificate of Approval and Resolution of Approval of Minn. Stat. 1965, Chapter 450 by Board of Supervisors of Town of Cottage Grove with the Minnesota Municipal Commission,

NOW THEREFORE, the Minnesota Municipal Commission does order the incorporation of the Town of Cottage Grove, Washington County as a village according to Minn. Stat. 1965, Chap. 450.

IT IS ORDERED: That the clerk of Cottage Grove Township shall conduct an incorporation election as near as practicable in accordance with Minn. Stat. 414.02, Chap 1961 as amended by Laws 1963, Chaps 621 and 807, except as provided in Minn. Stat. 1965, Chap. 450.

Dated this 4th day of June, 1965

MINNESOTA MUNICIPAL COMMISSION
51 State Office Building
St. Paul 1, Minnesota


Irving R. Keldsen
Secretary

17627
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 21 1965


Joseph L. Donovan
Secretary of State



STATE OF MINNESOTA
MUNICIPAL COMMISSION

51 State Office Building
St. Paul, Minnesota 55101

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Chairman

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St. Paul

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Richfield
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O R D E R

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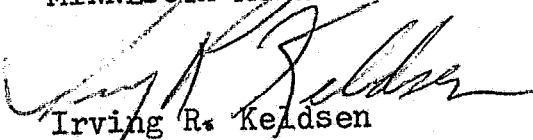
IN THE MATTER OF THE INCORPORATION
OF THE VILLAGE OF COTTAGE GROVE,
WASHINGTON COUNTY, STATE OF MINNESOTA

Pursuant to Minn. Stat. 1965, Chapter 450 the
necessary documents have been filed with the Minnesota
Municipal Commission and the requirements of this law
have been completed.

THEREFORE: The Village of Cottage Grove is
duly incorporated according to the Laws of the State
of Minnesota. Attached are the original proofs of
posting of the election notice and order and election
results.

Dated this 16th day of July, 1965

MINNESOTA MUNICIPAL COMMISSION


Irving R. Kelden
Secretary

#17627
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 21 1965


Joseph A. Henneman
Secretary of State

Photocopy to State Auditor



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O.D.

AN ACT

H.F. No. 1542

CHAPTER No.

450

RELATING TO THE TOWN OF COTTAGE GROVE IN
WASHINGTON COUNTY, ENABLING THE CONVERSION
THEREOF TO A VILLAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Subdivision 1. Within seven days after receiving copies of the certificate of approval of this chapter provided for in Minnesota Statutes, Section 645.021, the Minnesota Municipal Commission shall issue its order approving the town of Cottage Grove in Washington county for incorporation as a village.

Subd. 2. Said order shall further provide for an election, and the conduct thereof shall be as near as practical in accordance with Minnesota Statutes, Section 414.02, except as may be herein otherwise provided.

Subd. 3. In addition to the question of incorporation, the following question shall be submitted to the voters at such election: "Shall Optional Plan A, modifying the standard plan of village government by providing for the appointment by the council of the clerk and treasurer, be adopted for the government of the village?"

Subd. 4. If a majority vote for incorporation, the village of Cottage Grove shall become effective as of the date of completing the filings required by Minnesota Statutes, Section 414.02, Subdivision 4. The validity of the creation of the village shall not be questioned directly or indirectly in any proceeding or action otherwise than by a contest instituted within ten days after completion of such filings, and in the manner prescribed by Minnesota Statutes, Chapter 209, and acts amendatory thereof. Service of the notice of contest shall be made on the clerk of the town of

Cottage Grove.

Subd. 5. If the question of incorporation shall fail, the costs of the election shall be paid by the town of Cottage Grove. If the question shall carry, the costs shall be paid by the new village.

Sec. 2. Subdivision 1. The initial election of officers of the village shall be held on the seventh Tuesday following the effective date of incorporation.

Subd. 2. The clerk of the town of Cottage Grove shall post and publish notice of said election the same as for the incorporation election. The election judges for said election shall be the same as for the incorporation election. If any judge fails to qualify, the remaining judges shall appoint a substitute.

Subd. 3. Affidavits of candidacy for such election shall be filed with said clerk, but shall otherwise be as provided by law for regular village elections.

Subd. 4. Officers shall be elected at said election for terms as follows:

| OFFICER | For a Term Ending on the First Business day of January in: |
|-------------------------------------------|------------------------------------------------------------|
| Mayor | 1968 |
| Clerk (if Plan A is not adopted) | 1967 |
| Treasurer (if Plan A is not adopted) | 1968 |
| Three trustees (if Plan A is not adopted) | One term in 1967 |
| | One term in 1968 |
| | One term in 1969 |
| Four trustees (if Plan A is adopted) | One term in 1967 |
| | One term in 1968 |
| | Two term in 1969 |
| Two constables | One term in 1967 |
| | One term in 1968 |
| Two justices of the peace | One term in 1967 |
| | One term in 1968 |

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No candidate for trustee, constable, or justice of the peace shall run for a particular term, but the number of years of the term of each candidate who is elected shall be determined by his relative standing among the candidates for the office, the longest term going to the candidate receiving the highest number of votes. The officers who have been elected shall qualify within ten days after the election. The judges shall give to each official elected a certificate of his election, and each official, after qualifying according to law, shall forthwith assume his official duties.

Sec. 3. Subdivision 1. Notwithstanding incorporation of the new village, the town board and other officers of the town shall continue to exercise their powers and duties according to applicable town laws until the election and qualification of all new village officers.

Subd. 2. The new village council may continue or discontinue the employment of any person formerly employed by the town, subject only to existing contracts and agreements.

Subd. 3. The new village council may continue or discontinue any commissions or committees which may then exist in the town.

Sec. 4. Subdivision 1. All assets and liabilities of the town, including any rights, claims, or choses in action held by or against the town, shall become the assets and liabilities of the new village.

Subd. 2. All ordinances, rules, regulations, and resolutions of the town shall remain in full force and effect until repealed or superseded by new village ordinances, rules, regulations, or resolutions, as the case may be.

Sec. 5. The population of the new village for all purposes shall be as determined in 1965 by actual census taken, or in the alternative as estimated by the metropolitan

planning commission, in the event no actual census is conducted.

Sec. 6. Subdivision 1. The village shall by ordinance divide its area into an urban service district and a rural service district, constituting separate taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments and interest thereon.

Subd. 2. The rural service district shall include only such unplatted lands as in the judgment of the governing body at the time of the adoption of the ordinance are rural in character, and are not developed for commercial, industrial, or urban residential purposes, and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. The rural service district may include lands which are not contiguous to one another. The ordinance may designate lands outside the village which, if annexed, shall be included within the rural service district. The urban service district shall include all lands within the boundaries of the village which are not included in the rural service district. The ordinance shall determine the approximate ratio which in the judgment of the governing body exists between the benefits resulting from tax-supported municipal service to parcels of land of like full and true value, situated in the rural service district and in the urban service district, respectively. By amendment of the ordinance this benefit ratio may be changed, and lands may be added to or removed from the rural service district; but no amendment shall be required to remove lands by the procedure provided in subdivision 5.

Subd. 3. Every such ordinance or amendment, before adoption thereof, shall be published in the official

newspaper of the village, with notice of the time and place of a hearing thereon which shall be held by the governing body not less than 30 days after the publication. At the hearing, which may be adjourned from time to time by public announcement to those present, the governing body shall give reasonable hearing and consideration to all objections to and comments on the ordinance or amendment, made by or on behalf of any resident or taxpayer of the village or of any outside area described in the ordinance or amendment whether presented orally or by written communication to the municipal clerk. Objections may be addressed to the establishment or extension of the rural service district as a whole, or to the inclusion or exclusion of any specified lands, or to the benefit ratio proposed to be established by the ordinance. They may be based on the character of the lands included or excluded or on the relative nature and extent of tax-supported municipal service and benefit to lands of rural and urban character.

Subd. 4. At or after the hearing the governing body shall modify the ordinance in any respect and to any extent which it considers equitable, and shall cause it to be published in the form in which it is finally adopted, and a copy mailed to each person entitled to appear at the hearing who has requested a copy at the hearing or by written notice to the clerk. Within 30 days after the publication of the ordinance or amendment, any person entitled to appear at the hearing may appeal to the district court by serving a notice upon the clerk of the village, stating the grounds for such appeal, specifying the provisions of the ordinance or amendment which are claimed to be unreasonable, and alleging the facts on the basis of which such claim is made. The notice shall be filed with the clerk of the district court

within ten days after its service. It may be filed by the appellant not only for himself but also on behalf of all others of the class to which the appellant belongs, as described in the notice of appeal. The clerk of the village shall furnish to the appellant certified copies of all proceedings and records in his custody which are reasonably required to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than ten days after the date of serving the notice and shall be tried in accordance with the provisions of the district court rules of civil procedure. If the appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to the ordinance or amendment shall be deemed waived unless presented on such appeal; except that any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that any provision of the ordinance is unreasonable and that, by reason of such provision, any tax upon such parcel exceeds the amount which would be taxable thereon but for such provision, may have the validity of his claim determined by the district court in the manner provided in Minnesota Statutes, Chapter 278, if he alleges and proves to the satisfaction of the court that he had no actual notice of the hearing held thereon pursuant to this section, and his rights were not adequately protected as a member of any class of persons for whom an appeal was taken pursuant to this section.

Subd. 5. Whenever any parcel of land, owned by one person or by two or more persons jointly or in common at the time of its inclusion in the rural service district, is platted, in whole or in part, and application is made for a permit for the construction of a commercial, industrial, or

urban residential development or improvement to be situated on such parcel or any part thereof, the board or officer approving such plat or building permit shall report the application to the governing body, which shall make and enter an order transferring such parcel from the rural service district to the urban service district.

Subd. 6. A certified copy of every ordinance, amendment, and order adopted or entered pursuant to this section shall be filed with the county auditor before it becomes effective. The amount of taxes levied each year by the village shall be certified to the county auditor in the manner now or hereafter provided by law. Taxes levied for payment of bonds and judgments and interest thereon shall continue to be spread upon all taxable property within the boundaries of the village in proportion to the assessed valuation thereof. The remaining amount of the taxes levied each year shall be allocated by the county auditor to the urban service district and the rural service district in amounts proportionate to the current benefit ratio times the current ratio between the full and true values of all taxable property within the urban service district and all taxable property within the rural service district. Within each district, the amounts so allocated shall be spread upon all taxable property in proportion to the assessed valuation thereof.

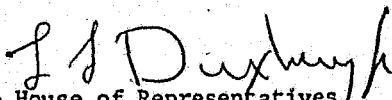
Subd. 7. This section does not affect the classification of individual parcels of land for purposes of taxation under the provisions of Minnesota Statutes, Section 273.13. No law limiting the incurring of indebtedness or the levy of taxes by the village by reference to its population or the valuations of taxable property therein is amended by this section in its application to the village.

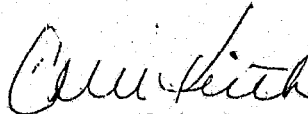
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Subd. 8. This section shall apply to taxes levied in 1966 and payable in 1967, and thereafter.

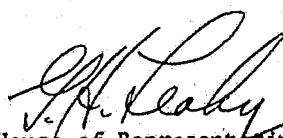
Sec. 7. If any provision of this act or its application to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. This act shall become effective when approved by resolution adopted by a majority of the members of the board of supervisors of the town of Cottage Grove, and upon compliance with Minnesota Statutes, Section 645.021.

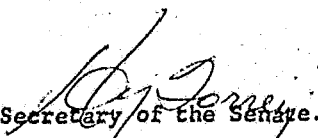

Speaker of the House of Representatives


President of the Senate.

Passed the House of Representatives this 26th day of April in the year of Our Lord one thousand nine hundred and sixty-five.


Chief Clerk, House of Representatives.

Passed the Senate this 12th day of May in the year of Our Lord one thousand nine hundred and sixty-five.


Secretary of the Senate.

H.F. No. 1542

Approved

May 18

1965

Karl F. Salomon

Governor of the State of Minnesota.

Filed

May 18,

1965

Joseph L. Donovan

Secretary of the State of Minnesota.

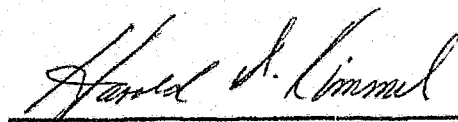
IN THE MATTER OF ELECTION TO INCORPORATE THE VILLAGE OF COTTAGE GROVE
IN THE COUNTY OF WASHINGTON, MINNESOTA.

I am the Clerk of the Town of Cottage Grove, Washington County, Minnesota.

On the 22nd day of June, 1965, I posted four election notices, a copy of which is attached, in four of the most public places in the Town of Cottage Grove, Washington County, Minnesota, pursuant to Minnesota Statutes, Chapter 450 and subsequent order of the Minnesota Municipal Commission directing an election on the question of incorporating as a village the Town of Cottage Grove, Washington County, Minnesota, to wit, one of said notices at Thompson Grove Shopping Center bulletin board, and one at 177 Ilex Avenue bulletin board, and one at Cottage Grove Market, and one at the Town Office bulletin board at 99 Belden Boulevard.


Robert P. LaBrosse

Subscribed and sworn to before me
this 14th day of July, 1965.


Notary Public

HAROLD D. KIMMEL
Notary Public, Washington Co., Minn.
My Commission Expires Mar. 2, 1967

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 21 1965


Secretary of State

NOTICE OF ELECTION
ON INCORPORATION AND ADOPTION OF OPTIONAL PLAN

Notice is hereby given that in accordance with Laws of Minnesota, 1965, Chapter 450, and an order of the Minnesota Municipal Commission dated June 4, 1965, an election will be held at Town of Cottage Grove at the following voting precincts:

Precinct I Cottage Grove Fire Hall
Precinct II Pine Hill Elementary School
Precinct III Grove Elementary School
Precinct IV Hillside Elementary School
Precinct V Crestview Elementary School

on the 13th day of July, 1965, at which time and place all qualified voters residing within the Town of Cottage Grove, Washington County, Minnesota, may vote upon the following questions:

FIRST: For or against the incorporation of said Town of Cottage Grove as the Village of Cottage Grove, Minnesota, and

SECOND: That the Optional Plan A, Modifying the standard plan of village government by providing for the appointment by the council of the Clerk and Treasurer, be adopted for the government of the Village.

Take further notice that the polls will be open at said election from 7:00 o'clock A.M. until 8:00 o'clock P.M. of said day.

/s/ Robert P. LaBrosse
Robert P. LaBrosse
Clerk of Cottage Grove Township

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 21 1965

Joseph A. Olson
Secretary of State

IN THE MATTER OF ELECTION TO INCORPORATE THE VILLAGE OF COTTAGE GROVE
IN THE COUNTY OF WASHINGTON, MINNESOTA.

We, the undersigned judges of election, certify that we have
canvassed the ballots cast at an election held at the Town of Cottage
Grove, at the following voting precincts:

Precinct 1--Cottage Grove Fire Hall
Precinct 2--Pine Hill Elementary School
Precinct 3--Grove Elementary School
Precinct 4--Hillside Elementary School
Precinct 5--Crestview Elementary School

In the County of Washington, Minnesota, on the 13th day of July, 1965,
the time and place specified in the election notice, to vote for or
against incorporation of the proposed Village of Cottage Grove, Minne-
sota, and that at such election, there were 491 votes cast for incor-
poration and 138 votes cast against incorporation.

We further certify:

(1) That at the same election at the same time and place,
the following question was also submitted to the voters of the
proposed village:

"Shall Optional Plan A, modifying the standard plan of
village government by providing for appointment by the council
of the clerk and treasurer, be adopted for the government of
the village if the village is incorporated?"

(2) That the affirmative votes cast on this proposition
were 448 and the negative votes were 160, and the question of
adoption of Optional Plan A received an affirmative

Lee A. Crippen
Lee A. Crippen

Judy W. Lauber
Judy W. Lauber

Juanita S. Burnham
Juanita S. Burnham

Audrey B. Baird
Audrey B. Baird

Rose Kenyon
Rose Kenyon

Betty Jane Pouliot
Betty Jane Pouliot

Elizabeth Jean Jensen
Elizabeth Jean Jensen

Margarite A. Searcy
Margarite A. Searcy

Barbara J. Hudoba
Barbara J. Hudoba

Marlene A. Temple
Marlene A. Temple

L. Elizabeth Bebermeyer

Harold Kernkamp
Harold Kernkamp

Mary Rose Aarthur
Mary Rose Aarthur

Lee A. Crippen,, Leona Perkins, Judy W. Lauber, Maude House,
Juanita S. Burnham, Audrey B. Baird, Rose Kenyon, Betty Jane Pouliot,
Elizabeth Jean Jensen, Margarite A. Searcy, Barbara J. Hudoba, Marlene
A. Temple, L. Elizabeth Bebermeyer, Harold Kernkamp, and Mary Rose
Aarthun, being duly sworn depose and say each for himself that the
statements contained in the foregoing certificate and return are true.

Lee A. Crippen

Leona Perkins
Leona Perkins

Judy W. Lauber
Judy W. Lauber

Elizabeth Jean Jensen
Elizabeth Jean Jensen

Margarite A. Searcy

Barbara J. Hudoba
Barbara J. Hudoba

Page Two

Maude House
Maude House

Juanita S. Burnham
Juanita S. Burnham

Audrey B. Baird
Audrey B. Baird

Rose Kenyon
Rose Kenyon

Betty Jane Pouliot
Betty Jane Pouliot

Marlene A. Temple
Marlene A. Temple

L. Elizabeth Bebermeyer
L. Elizabeth Bebermeyer

Harold Kernkamp
Harold Kernkamp

Mary Rose Aarthun
Mary Rose Aarthun

Subscribed and sworn to before me this 15th day of
July, 1965.

Carl F. Meissner
~~Notary Public~~ Carl F. Meissner
Deputy Clerk-Cottage Grove Township

#17627

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 21 1965

Joseph A. Johnson
Secretary of State