

#21619

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Ernest Ahlberg	Ex-Officio Member
Thomas Freiling	Ex-Officio Member

IN THE MATTER OF THE PETITION OF)	FINDINGS OF FACT,
THE TOWN OF EAGAN FOR INCORPORATION)	CONCLUSIONS OF LAW
OF THE TOWN OF EAGAN AS A HOME RULE)	AND ORDER
CHARTER CITY)	

WHEREAS the above entitled matter duly came on for hearing pursuant to the request of the Board of Supervisors of the Town of Eagan before the Minnesota Municipal Commission at the Eagan Town Hall, Eagan Township, Minnesota on March 12, 1970 at 10:00 o'clock A.M., and petitioner appeared by and with its counsel, Luther M. Stalland, Esq., at which time and place petitioner presented its evidence in support of its petition, and no one appearing in opposition thereto; and,

WHEREAS the Commission, having read the petition, having heard the evidence adduced at said hearing and subsequent argument of counsel and being fully advised in the premises, now makes the following:

FINDINGS OF FACT

1. That the Town of Eagan is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.
2. That the present population of Town of Eagan is approximately 12,000; that in 1940 the population was approximately 1,000; in 1950 approximately 1,200, in 1960 approximately 3,300 and in 1965 approximately 5,000; that it is projected that in 1985 the population will approximate 30,000 and in year 2000 will be close to 100,000.
3. That Town of Eagan contains approximately 21,600 acres, or 32.75 sections, of land which at the present time 3,100 acres are platted

and remaining 18,500 acres are unplatted lands.

4. That the present pattern of physical development is basically as follows: Residential development, and the greater part of the population, is concentrated largely in sections 2, 3, 4, 9, 17, 19, 20 and 30 which generally are situated in the northerly and westerly portions of the town; that the commercial and industrial areas that have been developed are likewise in these general areas and principally along Highways 55 and 49 in the North and East and Westerly of Highway 13 on the West side of the Town.

5. That Town of Eagan has not developed any comprehensive plan for the town in the formal sense, but through its Advisory Planning Committee, Park Committee and Board of Supervisors, it has over the years evolved a flexible pattern for the orderly and logical growth and development of the town's area.

6. That Town of Eagan presently maintains control over the development of the town through its various ordinances which included ordinances, among others, regulating building permits, zoning and subdivisions.

7. The general terrain of the town is rolling with numerous wooded and ponded areas throughout all but the Northwestern portion between the railroad tracks and the Minnesota River which is flat marshland; that approximately two-fifths of the Northerly and Westerly portions of the town naturally drains to the Minnesota River and the balance of the town, or three-fifths including the Easterly and Southern parts, is pocketed and without substantial drainage to either the Minnesota or Vermillion River watersheds; that there are no other large bodies of water in the town but several small lakes susceptible of recreational use or of scenic value if taken in conjunction with public park areas.

8. That Town of Eagan provides presently through its central system and through a private system water service to twelve sections in the North and West portions of the town and similar sanitary sewer service to approximately nine sections in the same areas; that it provides police protection through its own department for the entire town; that it provides fire protection for the entire town through its own adequately equipped volunteer fire department and through contractual arrangements with Village of Mendota Heights on the North and

Rosemount on the South; that it has its own building inspector and road equipment and staff adequate to construct, repair and maintain all township roads within the area; that it has at the present time rather limited public recreational facilities but has adopted a park plan for future development in the town sufficient to provide such facilities.

9. That there are no existing or potential problems of environmental pollution in the area at the present time and none should exist in the future if the plans for expansion of sewer, water and storm drainage systems currently in effect and practices are continued.

10. That the bonded indebtedness of petitioner as of December 31, 1969 was \$6,273,000.00; that the mill rates for petitioner for the years indicated are as follows:

YEAR OF COLLECTION	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
STATE	18.42 Mills	17.14 Mills	(1)	(1)	(1)
HOMESTEAD					
COUNTY	45.54 Mills	50.71 Mills	57.25 Mills	55.68 Mills	55.31 Mills
TOWN	15.06 Mills	15.82 Mills	19.05 Mills	16.90 Mills	22.89 Mills
SCHOOL					
ISD #191 Non-ag	136.77 Mills	146.00 Mills	171.18 Mills	259.00 Mills	237.15 Mills
ISD #196 Non-ag	154.47 Mills	179.88 Mills	204.27 Mills	228.27 Mills	311.19 Mills
ISD #197 Non-ag	160.86 Mills	145.76 Mills	161.28 Mills	166.72 Mills	201.99 Mills

(1) Eliminated by State Sales Tax

11. That the area proposed for incorporation contains no physical features which would render provisions of municipal services to all parts of the area by the proposed city impractical.

12. That the assessed valuation of the Town of Eagan was \$8,717,238 in 1969, \$8,351,134 in 1968, \$4,985,207 in 1967, \$4,709,061 in 1966, and \$3,844,656 in 1965. Approximately 40% of the assessed valuation for 1969 was industrial, commercial and public utility. There will be continued growth in assessed valuation.

13. That the township form of government is not adequate to cope with the problems of urban or suburban growth.

14. That annexation of all or a part of the area herein to an

adjoining municipality would not better serve the interests of the area.

CONCLUSIONS OF LAW

1. That the Town of Eagan is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.
2. That the area proposed for incorporation is fit to be governed by a single municipal government.
3. That the area proposed for incorporation presently has and will continue to have a sufficient assessed valuation to provide the tax revenue needed to pay for required municipal services.
4. That the area proposed for incorporation presently contains a sufficient number of people to allow efficient and economical provision of municipal services.
5. That pursuant to Laws of Minnesota 1969, Chapter 444, the Minnesota Municipal Commission determines as a matter of law that it is appropriate for the Town of Eagan to incorporate as a home rule charter city provided a majority of the electors residing therein vote affirmatively that the Town of Eagan should become so incorporated.

LET JUDGMENT BE ENTERED ACCORDINGLY

O R D E R

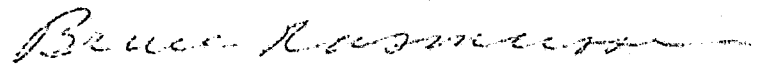
IT IS HEREBY ORDERED: That the Minnesota Municipal Commission determines that it is appropriate that the Town of Eagan, County of Dakota, State of Minnesota incorporate as a home rule charter city; and,

IT IS FURTHER ORDERED: That the Board of Supervisors of Town of

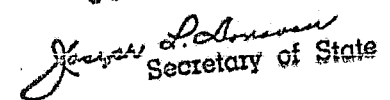
Eagan are hereby authorized in accordance with Laws of Minnesota 1969, Chapter 444, to conduct an election by the voters of said town to determine whether they desire to change their form of government to a home rule charter city.

Dated this 30th day of June, 1970

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Secretary

#21619
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL - 7 1970

Secretary of State

M E M O R A N D U M

The proceeding herein was conducted pursuant to Laws of Minnesota 1969, Chapter 444, a special act allowing the Town of Eagan to become a home-rule charter city providing certain conditions are met. Chapter 444 refers to Minnesota Statutes 414.02 to control our determination of whether it would be appropriate for the Town of Eagan to become a home-rule charter city. Since Chapter 444 was approved prior to the amendments to the Municipal Commission law, we proceeded under Minnesota Statutes 1967, Section 414.02.

Our findings would support the incorporation of a village, and hence we conclude that it would also be appropriate for the Town to become a home-rule charter city. Our conclusion is supported by the findings of the 1969 Legislature which are set forth in Chapter 1146, Section 1:

"The legislature finds that: (1) sound urban development is essential to the continued economic growth of this state; (2) municipal government is necessary to provide the governmental services essential to sound urban development and for the protection of health, safety, and welfare in areas being used intensively for residential, commercial, industrial, institutional, and governmental purposes or in areas undergoing such development; (3) The public interest requires that municipalities be formed when there exists or will likely exist the necessary resources to provide for their economical and efficient operation; (4) annexation to or consolidation with existing municipalities or unincorporated areas unable to supply municipal services should be facilitated; and, (5) the consolidation of municipalities should be encouraged. It is the purpose of this chapter to empower the Minnesota Municipal Commission to promote and regulate development of municipalities so that the public interest in efficient local government will be properly recognized and served."

However, our conclusion does not mean that the Town will automatically become a city. The board of supervisors is merely authorized to conduct an election on the question. If the question is approved by a majority of the electors, a charter commission is

appointed. Before becoming a city, the charter commission must propose a charter and it must be approved at another election. The responsibility for prompt action in accordance with our order lies with the community.

We wish to make clear that the Order herein in no way suspends the legal processes available to the residents of the Town of Eagan. If a petition of any kind is brought before the commission, we have no alternative but to proceed forthwith in the normal manner.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL - 7 1970
Joseph P. Olson
Secretary of State