

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

| | |
|-------------------|-------------------|
| Robert W. Johnson | Chairman |
| Arthur R. Swan | Vice Chairman |
| Robert J. Ford | Member |
| Idor A. Pederson | Ex-Officio Member |
| Robert E. Wright | Ex-Officio Member |

IN THE MATTER OF THE RESOLUTION FOR)
 THE CONSOLIDATION OF THE VILLAGE OF)
 AFTON, WASHINGTON COUNTY, AND THE)
 TOWNSHIP OF AFTON, WASHINGTON COUNTY,)
 TO FORM A NEW MUNICIPALITY.)

FINDINGS OF FACT,
 CONCLUSIONS OF LAW
 AND ORDER

Resolutions from the Council of the Village of Afton, Washington County, Minnesota and from the Town Board of Afton Township, Washington County, Minnesota, requesting consolidation of the Village of Afton and the Township of Afton, into a single new Village of Afton in the County of Washington, were filed with the Minnesota Municipal Commission on the 18th day of May, 1970 and the 23rd day of April, 1970 respectively. After publication and posting of the notices required under Minnesota Statutes, Chapter 414, as amended, the matter came on for hearing before the Minnesota Municipal Commission on the 26th day of August, 1970, at the Afton Village Hall, Afton, Minnesota, and at the office of the said Commission, in St. Paul, Minnesota, on the 9th day of October, 1970.

APPEARANCES WERE MADE BY:

Philip H. Eastwood, Lumbermans Exchange Building, Stillwater, Minnesota, appeared as attorney for the Village of Afton and Roderick Lawson, 104 N. Main Street, Stillwater, Minnesota, appeared as attorney for the Township of Afton.

The Commission, having duly considered the testimony of the

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witnesses, the exhibits received in evidence, and the files; records and arguments of Counsel, makes and enters the following Findings of Fact:

FINDINGS OF FACT

I.

The Resolution of the Village of Afton, and the Resolution of the Town Board of Afton Township for the consolidation of said Village with said Township were both filed pursuant to and in compliance with Minnesota Statutes, 1969, Section 414.021; and said resolutions are in all respects proper in form, contents, and execution.

II.

Notice of Hearing was duly given as required by statute. The commission convened with a lawful quorum at the hearing. All parties of record were present at, and participated in, the hearing.

III.

The area proposed for consolidation as a new municipality includes all of the Village of Afton and all of the Township of Afton.

IV.

The area of the Village of Afton is four-tenths of one square mile and is bounded on the north, south and west by Afton Township and on the east by the St. Croix River. The area of the Township of Afton is approximately Twenty-four square miles.

V.

The 1969 populations of the municipalities were as follows:

| | |
|---------------------|-------|
| Afton Village ----- | 215 |
| Afton Township----- | 1,666 |

The 1970 populations of the municipalities are as follows:

| | |
|---------------------|-------|
| Afton Village ----- | 253 |
| Afton Township----- | 1,749 |

VI.

The entire Village of Afton is platted and the Township of Afton has six platted subdivisions containing 690 acres. The commercial area of the Village of Afton is comprised of business catering to tourists and visitors consisting of two large marinas, two restaurants with bars, an antique shop, a gift shop and a furniture shop. This commercial center also contains a church, Village Hall, fire station and post office, all of which serve both residents of the Village and the surrounding adjacent areas and Afton Township. Afton Township has no commercial centers at this time.

The pattern of development in the Village of Afton has been residential around the small central commercial area. The residential area consists of almost entirely of single family dwellings with a small percentage of two family dwellings and no multiple dwellings. There is room for only ten to twelve more residential areas. The only development in Afton Township has been residential. Such development has occurred along the major roads which run through the Township, namely Highways 71, 15, 21 and 95. Concentrated development of particular parcels has only occurred in two minor subdivisions in the northern part of the Township, south of Highway 12, and in one subdivision, Afton Hills, immediately north of Afton Village.

There is a centrally located park in Afton Village which has picnic tables, fire place, swings, teeter-totters, soft ball field, bandstand, toilets and a well with a hand pump. The only park area in Afton Township is the Minnesota Afton Park which consists of approximately 1,000 acres in the southeast corner of Afton Township.

Most of Afton Township is still open and undeveloped and consists of agricultural or other undeveloped tracts.

The Village of Afton has 75% of its roads blacktopped. Except for approximately two miles of road in the platted areas of Afton Hills, Tomahawk Hills and Richert's Acres, all other Township roads are gravel surfaced roads.

Most of the land in Afton Township drains through numerous streams to the St. Croix River. Afton Village is at the base of this watershed and most of these drainage systems pass through the Village

VII.

The Township of Afton roads are maintained and plowed by Township equipment and employees. Because of the fact that the Township surrounds the Village, the Township maintenance crews pass through the Village when plowing and maintaining roads. The Village of Afton roads are maintained and plowed by contract with private concerns. It is anticipated that transfer of ownership of maintenance equipment and of employment of operators from the Township to the proposed new village would serve to provide street maintenance to said new village. The Township equipment includes a motor grader, V and wing plows, a two-ton dump truck with one-way plow and sand spreader, a 12' back hoe, mowing tractor and utility flatbed trailer.

VIII.

The Village of Afton has a village hall and garage for a fire truck. The Township of Afton has a town hall and a garage for equipment.

IX

The Village of Afton contracts with the Village of St. Croix

Beach for police protection. The Township of Afton is provided with police protection from the Washington County Sheriff's office. Both the Village and the Township are provided fire protection by the new Lower St. Croix Fire Protection District.

X.

The problem of environmental pollution exists in the Village due to the fact that there is no public sewer system. All sewage is disposed of by septic tank. There is no evidence of well pollution, thus far.

There are no public sewer or water facilities in Afton Township.

XI.

The Village of Afton is strictly zoned for residential and commercial uses. It is anticipated that Minnesota State Flood Plain Zoning Regulations will be adopted by the Village as soon as they are completed. The Village has adopted the National Building Code and it has a zoning ordinance providing for a minimum of 15,000 square feet per family when building a residence.

Afton Township has recently adopted by reference the Comprehensive Model Zoning Regulation Code adopted by the Washington County Planning Advisory Commission with certain modifications. Most of the Township is zoned residential with a three acre minimum size lot per residential dwelling. The most northerly quarter mile of the Township is zoned for commercial development. There are also commercial areas provided for immediately north of the Village of Afton on Highway 95 and along Highway 95 as it intersects with County road 71 and 15.

XII.

Assessed Valuation for 1969 and 1970 are as follows:

| | | |
|----------------|-------------|--------------|
| Afton Village | 1969-----\$ | 115,234.00 |
| | 1970-----\$ | 122,516.00 |
| Afton Township | 1969-----\$ | 1,116,956.00 |
| | 1970-----\$ | 1,178,434.00 |

The trend of assessed valuation in the two municipalities has been one of rapid and steady growth.

XIII.

The local mill rate for 1969 and 1970 are as follows:

| | <u>1969</u> | <u>1970</u> |
|----------------------|-------------|-----------------------|
| Afton Village | 18.45 | 27.31 |
| County | 72.27 | 72.97 |
| School District 834 | 187.25 | 205.08 |
| TOTALS | 277.97 | 305.36 |
| Afton Township | 33.01 | 33.26 (Watershed mill |
| County | 72.27 | 72.97 rate plus 4.67) |
| School District 200 | 222.80 | 280.03 |
| School District 200A | 197.80 | 255.03 |
| School District 834 | 187.25 | 205.08 |
| School District 834A | 162.25 | 180.08 |
| School District 833 | 202.33 | 288.10 |
| School District 833A | 177.33 | 263.10 |

Portions of Afton Township are within the Valley Water Shed District and are subjected in 1970 to a 4.67 mill rate. Portions of Afton Township are in School Districts 200, 834 and 833. The "A" reference is to the mill rate on agricultural lands.

XIV.

The bonded indebtedness of the two municipalities is as follows:

| | |
|--------------------|------------|
| Village of Afton: | None |
| Township of Afton: | \$5,424.87 |

XV.

There is a strong community of interest between citizens of the Township of Afton and the Village of Afton. Expansion space is needed

by the Village of Afton and needed governmental services within the Township of Afton can best be provided through consolidation of the Village and Township of Afton.

XVI.

The division of the Township and Village of Afton into four wards for the election of councilmen is necessary to accord proper representation in a new consolidation municipality because of uneven population density in different parts of the area. The proposed ward boundaries as shown on Petitioner's Exhibit 1 & 2 are reasonable and will accord proper representation.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission has properly acquired and now has jurisdiction of these proceedings.

II.

The Township form of government is not adequate to provide needed government services in Afton Township.

III.

The Village of Afton has no room for expansion and its present size will not permit efficient governmental function.

IV.

It is in the public interest that all of the Village of Afton and all of the Township of Afton be consolidated to a new, single municipality to be known as Afton.

O R D E R

Based upon the written instruments contained in this file and upon the evidence adduced at the time of hearing, the exhibits received in evidence, the Findings of Fact and Conclusions of Law,

the Commission being fully advised in the premises and pursuant to Minnesota Statutes 1969, as amended, Chapter 414;

IT IS ORDERED:

I.

That all of the Township of Afton and all of the Village of Afton, Washington County, Minnesota, be and hereby is consolidated into a new municipality to be named Afton.

II.

That the first election of officers in the new Village shall be held on the 5th day of January, 1971.

III.

That the polling place for the first election of officers shall be in the Township Hall for the voters residing in the old Township of Afton, and Village Hall for the voters residing in the old Village of Afton.

IV.

That Peggy Thumas, of R.R. #4 Hastings, Minnesota, shall be the acting Clerk for election purposes and shall conduct the election in accordance with Minnesota Statutes 1969, Section 414.09, Subdivision 3.

V.

That Mrs. Marion Kane, Mrs. Emma Peterson, Mrs. Charlotte Lallier, Mrs. Pearl Nordstrom, Mrs. Bertha Skluzacek and Mrs. Gladys Snyder, all of Afton, Minnesota, be the election judges for the first election of Village officers at the Village Hall. Mr. Oliver Charley Rt. #4 Hastings, Minnesota, Mr. Lyle Swanson of Rt. #1 Newport, Minnesota, Mrs. Burton Baker of Rt. #4 Stillwater, Minnesota, Mrs. Robert Fritts of Rt. #4 Stillwater, Minnesota, Mr. Robert Chisholm of Rt. #5 Stillwater, Minnesota, Mrs. John Kistner of Rt. #5

Stillwater, Minnesota, Mrs. Eugene Moynagh of Rt. #1 Lake Elmo, Minnesota and Mrs. Donald Appleby of Rt. #5 Stillwater, Minnesota, be the election judges for the first election of Village officers at the Township Hall.

VI.

That the new Village for the purpose of election of councilmen, shall be divided into four wards and the boundaries shall be as shown on Petitioner's Exhibit 1 & 2, on file herein; that the notice of election published by the election clerk include descriptions of the ward boundaries.

VII.

All money, claims of property, including real estate, held or possessed by the Township or Village of Afton, and any proceeds or taxes levied by said Township or Village, collected or uncollected, shall become and be the property of the new Village of Afton with full power and authority to use and dispose of the sums for public purposes as the Council of the new Village of Afton may deem best.

VIII.

The plan of Government for the new Village shall be Optional Plan "A".

IX.

The population of the new village herein created shall be 2,002 for all purposes until the next federal census.

X.

The Secretary of the Minnesota Municipal Commission shall cause copies of this order to be mailed and filed as provided by law.

XI.

The consolidation shall be effective upon the election and qualification of new municipal officers.

Dated this 5th day of November, 1970

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 9 - 1970

Joseph A. Johnson
Secretary of State

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