

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In Re Petition for Incorporation of
Burns Township pursuant to Minnesota
Statutes § 414 (l-70)



The above-entitled matter came before the Administrative Law Judge Raymond R. Krause on May 5, 2008, on the request by Burns Township (Township) for an Amended Order, pursuant to Minn. R. 6000.3100.

Michael A. Couri, of Couri, MacArthur & Ruppe, P.L.L.P., St. Michael, Minnesota, appeared on behalf of the Township.

An Order was issued in this case on May 1, 2008, granting the Township's Petition for Incorporation. Paragraph 4 of the Order required the election of municipal officers to be held not less than 45 days or more than 60 days from the effective date of the Order, which was May 16, 2008. Under Minn. Stat. § 414.09, subd. 3, however, the incorporation order must set a date for an election of municipal officers not less than 45 days or more than 60 days after the issuance of such order. Thus, the Order conflicts with the statutory time period set forth in § 414.09, subd. 3, and must be amended.

Based upon the record herein, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED THAT:

1) Burns Township's request for an amended order is GRANTED. Paragraph 9 of the Order is null and void, and Paragraph 4 of the Order dated May 1, 2008, is amended to state:

The form of government for the City shall be the "Optional Plan A" form. An election of a mayor and four council members shall be held not less than 45 days nor more than 60 days from the effective date of this Order. The effective date of this Order is May 1, 2008.

Corrie LeDoucer shall be the acting clerk for the election and shall prepare the official ballot. Affidavits of candidacy shall be filed not more than four weeks and not less than two weeks before the date of the election. The polling place shall be the Burns Township Hall. The election judges shall be appointed from those serving in the last Town election or previous Town elections. The hours of the election shall be 7:00 a.m. to 8:00 p.m. Candidates shall be permitted to file for the position of Mayor whose term shall expire on December 31, 2008, a Council Member seat whose term shall expire on December 31, 2010, or a Council Member seat whose term shall expire on December 31, 2008. The two candidates filing for the Council Member seats expiring on December 31, 2010 who receive the most votes shall be elected to terms ending December 31, 2010. The two candidates filing for the Council Member seats expiring on December 31, 2008 who receive the most votes shall be elected to terms ending December 31, 2008. As the aforementioned terms begin to expire, elections shall be held during the November general elections of the year preceding the above-referenced term expiration dates, commencing with the general election to be held on November 4, 2008. Thereafter, the terms for City Council Members and the Mayor shall be for four years and two years respectively, as provided in Minnesota Statutes Section 412.02, and municipal elections shall be held during the November general election in even years. The position of Mayor and all Council Member positions shall be at-large positions.

- 2) In all other respects, the Order and accompanying Memorandum issued May 1, 2008, is reaffirmed and incorporated herein.
- 3) This Amended Order shall be effective upon issuance.

Dated: May 6, 2008



RAYMOND R. KRAUSE
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minnesota Statutes §§ 414.02, 414.07, and 414.09. Any person aggrieved by this Order may appeal to the Anoka County District Court by filing an Application for Review with the Court Administrator within 30 days of the date of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of these Findings of Fact, Conclusions of Law and Order within seven days from the date of the mailing of the Order pursuant to Minnesota Rules 6000.3100. No request for amendment shall extend the time of appeal from these Findings of Fact, Conclusions of Law and Order.