

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice Chairman
Gerald J. Tsacacs	Member
Robert C. Burman	Ex-Officio Member
Albert A. Kordiak	Ex-Officio Member

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IN THE MATTER OF THE PETITION OF )  
CERTAIN PROPERTY OWNERS TO INCOR- )  
PORATE THE VILLAGE OF HAM LAKE )  
IN THE COUNTY OF ANOKA, MINNESOTA )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

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WHEREAS, the petition of certain property owners for incorporation of the Township of Ham Lake, County of Anoka, State of Minnesota, as the Village of Ham Lake was duly filed with the Municipal Commission of the State of Minnesota, on the 21st day of December, 1971; and

WHEREAS, said petition duly came on for hearing before the Municipal Commission of the State of Minnesota on April 4, 1972, in the Ham Lake Town Hall, 15544 Central Ave. N.E., Anoka, Minnesota. in the Township of Ham Lake, Anoka County, Minnesota, at 9:30 A.M., after proper notice thereof was duly mailed and published pursuant to the requirements of Minnesota Statutes Annotated, Chapter 414, as amended, and at which time and place many of the petitioners appeared in person and by their counsel, Landol J. Locher, Esquire, of the firm of Babcock, Locher, Neilson & Mannella, Attorneys at Law, 118 East Main St., Anoka, Minnesota 55303, and verbal and documentary evidence was given to support said petition, there also being persons present who testified in opposition to said petition with evidence having been taken and testimony having been heard from all those appearing and indicating a desire to be heard and certain exhibits offered were received into evidence; and

WHEREAS, said hearing of April 4, 1972, was, at said hearing, continued to June 22, 1972, at 10:00 A.M., and subsequently continued to the 9th day of August, 1972, at 10:00 A.M., at said Town Hall, at which time and place many of the petitioners and their said counsel were present and presented additional verbal and documentary evidence to support said petition, with Dr. Ian Ball of the Metropolitan Council being present, who testified and presented exhibits with regard to overall planning in the Ham Lake area, and there also were persons present who testified in opposition to said petition, with evidence having been taken and testimony having been heard from all those appearing and indicating a desire to be heard and certain exhibits offered were received into evidence and the record was then closed with the exception of population data; and

WHEREAS, an additional hearing on said petition was subsequently called for February 14, 1973, at 10:00 A.M., and which hearing was continued, after due notice thereof having been mailed and published, to March 1, 1973, at 10:00 A.M., at said Town Hall, at which time and place many of the petitioners and their said counsel were present and presented additional verbal and documentary evidence to support said petition, and there also were persons present in opposition to said petition, with evidence having been taken and testimony having been heard from all those appearing and indicating a desire to be heard and certain exhibits offered were received into evidence; and

WHEREAS, the Municipal Commission of the State of Minnesota, having read and considered the petition herein, having heard and considered all of the evidence adduced at said hearings, having considered the argument of counsel for the petitioners herein, and the arguments of those in opposition to the petition herein, and being fully advised in the premises, upon all the files, records and proceedings herein, hereby makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

I.

The petition of certain property owners of the Township of Ham Lake, Anoka County, Minnesota, for the incorporation thereof as the Village of Ham Lake was duly filed pursuant to and in compliance with M.S.A. Chapter 414, as amended, and said petition was, in all respects, proper and complete in form, contents and execution.

II.

Proper notices of the hearings on the petition of said property owners for said incorporation of the Township of Ham Lake, County of Anoka, State of Minnesota, as the Village of Ham Lake, was duly given as required by Statute. The Municipal Commission of the State of Minnesota duly convened by a lawful quorum at the scheduled hearings. Many of the petitioners and their counsel and certain persons in opposition to the petition herein were present at, were heard and participated in the hearings. Documentary evidence was considered and admitted into evidence at the hearings.

III.

The area to be incorporated as the Village of Ham Lake includes all of the Township of Ham Lake, Anoka County, Minnesota, described as follows:

The Township of Ham Lake, known as Township Thirty-two (32), Range Twenty-three (23), Anoka County, Minnesota.

IV.

The quantity of land, both platted and unplatted, embraced within the foregoing description is approximately 21,922.46 acres.

V.

Approximately 991.55 acres of the Township is currently platted, with approximately 20,930.91 acres being unplatted.

VI.

The population of the Township of Ham Lake as per the Metro Council's 1971 estimate is 3,573 persons, the 1972 Metro Council's estimate is 4,097 persons and testimony adduced at the hearings indicates a current population of 5,108 persons.

VII.

The assessed valuation of the Township of Ham Lake, for the year 1971 was \$1,926,747.00, and for the year 1972, as certified by the Anoka County Auditor, is \$7,822,354.00, of which \$2,107,427.00 (26.94%) represents platted lands and \$5,714,927.00 (73.06%) represents unplatted lands, with a steady increase in assessed valuation noted over the last several years.

VIII.

The Township of Ham Lake has no central sewer or water system, both such facilities being served by private systems; however, the Township has had its engineer, Paul K. Ruud, P.E. complete a preliminary study of the sanitary sewage system needs of the Township.

IX.

Police protection for the Township is provided by a full time Township police force, consisting of a chief and one sargeant and also there are several part time patrolmen. The Township has its own squad car and police equipment.

X.

Fire protection is provided by a volunteer fire department consisting of a chief and about 25 volunteers. There is a Township fire barn, 2 fire trucks and numerous fire fighting equipment.

XI.

The Township has hired the services of a planner and planning for future growth is in process.

XII.

The Township of Ham Lake has, until the last few years, been primarily agricultural and beyond the area of metropolitan growth; however, recent development pressures, due in part to the widening of State Trunk Highway No. 65 into a four lane highway, entirely through the Township, proceeding to the Twin Cities of Minneapolis and St. Paul to the South, and increasing population and development to the South of the Township, have brought with them needs for municipal services in the Township of Ham Lake.

XIII.

The Township has several business establishments, and a few industrial establishments, located primarily along State Trunk Highway No. 65, the number thereof having increased steadily in the last few years.

XIV.

It is anticipated that the population, assessed valuation, and residential, commercial and industrial construction will continue to grow at an ever increasing rate in the future.

XV.

The Township has a zoning and comprehensive use plan which is being studied and which will be changed in the near future to accommodate current changes and needs.

XVI.

There is now, and will be in the immediate future, a need for ever increased governmental service in the Township of Ham Lake and the Village form of government will be better able to protect the health, safety and welfare of the residents within the Township of Ham Lake.

XVII.

The area proposed to be incorporated can be best served as one Village in the matter of community planning, installation of thoroughfares, street systems, sewer and water systems, fire

and police protection, recreational and other vital and necessary community services.

XVIII.

The Township form of government in Ham Lake Township is inadequate to cope with the problems of urban and suburban growth and development within the Township and does not efficiently and economically provide the necessary services for the residents.

XIX.

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

XX.

The name of the proposed Village is Ham Lake.

XXI.

The Village plan of government suitable for the area to be incorporated is Optional Plan A.

XXII.

It is in the best interest of the public that the Township of Ham Lake be incorporated as a Village so that municipal services in the area can be more efficiently and economically provided to the residents thereof and to future residents thereof.

CONCLUSIONS OF LAW

I.

The Municipal Commission of the State of Minnesota duly acquired and now has jurisdiction of the within proceedings.

II.

The area to be incorporated as the Village of Ham Lake is all of the present Township of Ham Lake, Anoka County, Minnesota, described as follows:

The Township of Ham Lake, known as Township  
Thirty-two (32), Range Twenty-three (23),  
Anoka County, Minnesota.

III.

The area to be incorporated as a Village is such that the existing Township form of government is not adequate to protect the health, safety and welfare of its residents, and future residents in relation to the past and projected growth of the area.

IV.

All of the area to be incorporated can feasibly and practically provide for, and best serve, the needs for governmental services presently and as they become necessary in the future, as a Village, and the area proposed for incorporation is fit to be governed by a single municipal government.

V.

That the Township of Ham Lake, Anoka County, Minnesota, is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.

VI.

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.

VII.

The area proposed for incorporation presently contains a sufficient number of people to allow efficient and economical provision of municipal services.

VIII.

The name of the new municipality shall be the Village of Ham Lake.

IX.

The plan of government shall be Optional Plan A.

X.

That, pursuant to Minnesota Statutes Annotated, Chapter 414, as amended, the Municipal Commission of the State of Minnesota, determines as a matter of law that it is appropriate for the Township of Ham Lake to incorporate as a Village.

ORDER

Upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, and upon all the testimony taken and exhibits received and upon the record herein, the Municipal Commission of the State of Minnesota, being fully advised in the premises, pursuant to M.S.A. Chapter 414, as amended:

IT IS HEREBY ORDERED: That all of the Township of Ham Lake, Anoka County, Minnesota, more particularly described as:

The Township of Ham Lake, known as Township  
Thirty-two (32), Range Twenty-three (23),  
Anoka County, Minnesota,

be incorporated as the Village of Ham Lake.

IT IS FURTHER ORDERED: That the first election of officers in the new Village of Ham Lake shall be held on the 8th day of January, 1974; that the polling place for the first election of officers shall be the present Town Hall of Ham Lake Township and that the acting Clerk for election purposes shall be Donald R. Hemauer. The following shall be election judges for the first election of officers:

Kathleen Mellas  
Anna Erickson  
Ann Hentges  
Harriet Peterson  
Millie Rand  
Bonnie Senger  
Sandra Wisen  
Margaret Hogdal  
Jeanette Braastad  
Ann Roseland  
Delores Rasmussen



Alternate judges for the first election of officers shall be:

Martha Tomczak  
Margaret Sannerud  
Marion Wojcieckowski

IT IS FURTHER ORDERED: That the plan of government for the new Village of Ham Lake shall be Optional Plan "A".

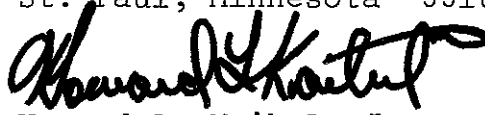
IT IS FURTHER ORDERED: That the population of the Village herein created shall be 5,108 persons for all purposes until the next regular census.

IT IS FURTHER ORDERED: That the Secretary of the Municipal Commission of the State of Minnesota shall cause copies of this ORDER to be mailed as provided by law.

IT IS FURTHER ORDERED: That a supplementary hearing be held at a future date to be announced by the commission to determine whether a special levy should be authorized to meet increased costs due to the incorporation.

Dated this 13<sup>TH</sup> day of November, 1973

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

  
Howard L. Kaibel, Jr.  
Executive Secretary

M E M O R A N D U M

After exhaustive hearings and deliberation the commission has today approved the incorporation of the new City of Ham Lake. As the attached Findings and Order suggest, incorporation is manifestly required in order to cope with increasing problems of urban and suburban growth. We wish to stress however, that incorporation with its changes in structure and powers of local government is only an opportunity to begin to solve those problems. It will now be up to local leaders and the newly elected council to take advantage of that opportunity.

We urge city leaders and officials to seek and utilize the assistance and experience available in Anoka County and at the League of Minnesota Municipalities. In particular, we urge that the newly elected council adopt the county shoreline zoning ordinance by reference as one of its first items of business. These important environmental controls should not lapse merely because of the change to municipal status.

We also suggest that the new council seriously consider adopting "Optional Plan B" of city governmental organization pursuant to M.S. 412.551. This "council-manager" form of government is available to municipalities with a population of greater than 1000 persons and is urgently recommended for this formative period. It is now, during the period of municipal organization, that the professional services of city manager are most crucial. The option of electing officials in odd year municipal elections could also be presented to voters at the same special election sparing the city the expense of conducting another city election this fall.