

AGENDA

I CALL TO ORDER:

II ROLL CALL:

III DETERMINATION OF QUORUM:

IV APPROVAL OF MINUTES:

Minutes of meeting of July 7, 1986

V AWARDING OF BIDS AND HEARING

1. Public Hearing-Charter Amendments
2. Public Hearing-Zoning Malcolm Avenue Properties
3. Public Hearing-NRRC reduction in membership
4. Public Hearing-Wiring of funds
5. Public Hearing-Excess property-North Frontage Road area.

VI REPORTS FROM CITY STAFF:

A. City Planner

1. 2nd Reading-Zoning Malcolm Avenue properties (Sunny Acres plat)
2. Minor Subdivision-Lot 2, Blk 1-Westview 2nd Addition-Hertogs, Fluegel, Jones et al/IBI, Inc.
3. Final Plat-Highland Hills 3rd Addition-Siewert Construction
4. 1st Reading-Zoning Ordinance Amendment-Home Occupations in R-3 Zones-Set public hearing
5. Review of proposed construction/exterior facing for building in Industrial Park at 31st Street and Millard Avenue-Order public hearing for special use permit-IBI, Inc.
6. Request for vacation of utility and drainage easements as dedicated in the Dakota Hills 5th Addition Plat-Hastings Construction/Affected property owners.

B. City Administrator

1. 2nd Reading-Ordinance Amendment-NRRC reduction in membership
2. Terry Huberty-Memorial Race-August 9
3. 2nd Reading-Charter Amendments
4. 2nd Reading-Ordinance Amendment-Wiring of funds
5. Excess property-North Frontage Road area
6. 1st Reading-Ordinance Amendment-City Administrator duties-set public hearing
7. 1st Reading-Ordinance Amendment-Council Agenda-set public hearing
8. 1st Reading-Ordinance Amendment-Council Committees-set public hearing
9. Appoint Parks Department employee-authorize posting or advertising for Water Department
10. 1986 Audit
11. 3rd Ward Council vacancy
12. Downtown Businessmen's-City Hall
13. City Hall
14. Appoint Cliff Jacobson to NRRC
15. Authorize hiring of part time clerical for Police Department
16. Street closing request-Downtown Businessmen's
17. Authorize depositories
18. Latto Hospital sale

C. City Attorney

D. City Engineer

1. Resolution declaring costs to be assessed and ordering preparation of assessment rate-1986 Improvements
2. Change Order No. 1-1986 Improvements-Pine Street
3. Final payment-1986 overlays-Ace Blacktop-\$23,258.00

VII COMMENTS FROM AUDIENCE:

VIII UNFINISHED BUSINESS:

IX NEW BUSINESS:

X REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMAN

XI COMMUNICATIONS AND MISCELLANEOUS BUSINESS

XII PAYMENT OF CLAIMS

Consent Agenda:

1. Pay all bills as audited
2. Partial payment-Hydrostorage, Inc.-\$48,307.50
3. Sidewalk reimbursement-Art Zgoda, 1321 Ramsey-\$322.50

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, July 7, 1986 at 7:30 p.m. in the Council Chambers of the City Hall.

Members Present: Councilmember Berg, Werner, Kulzer, Trautmann, Nesbitt, Plan, Mathiowetz and Mayor Stoffel.

Members Absent: Councilmember Bond.

The Mayor called for additions or corrections to the minutes of the meeting of June 16th and Special meeting, canvassing the election, of June 25, 1986 and hearing none declared the minutes approved as presented.

Moved by Councilmember Berg, seconded by Councilmember Nesbitt to adopt Resolution No. 62-86 awarding the bid for the 1986 Sealcoat work to the apparent low bidder Allied Blacktop in the amount of \$41,641.20. 7 Ayes; Nays, None. Copy of resolution on file. RESOLUTION NO.62-86 AWARD BID- 1986 SEALCOATING

Moved by Councilmember Trautmann, seconded by Councilmember Werner to approve the following Home Occupation permits for the period of July 1, 1986 through June 30, 1987 subject to the city receiving by July 14, 1986 the required \$10.00 permit fee for those who have not yet made payment. Council also requests the Planning Commission study the matter of an individual having more than one Home Occupation permit and submitting their findings to the City Council for review and consideration. 7 Ayes; Nays, None. RENEW HOME OCCUPATION PERMITS

Home Occupations 1986-1987

*Gerald Anderson	1947 Maple	Chimney Sweep
Gordon Anderson	1804 Pine Street	Gun Repair
Richard Anderson	1420 18th Court	Limo Service
*Eugene Bacon	923 W. 3rd Street	Upholstering/Sm Gift
*Arlene Benjamin	322 E. 7th Street	Balloon Bouquets
Donald Berg	803 W. 16th Street	Taxidermy
Clifford Birkholz	1311 W. 17th Street	Insurance & Shaklee
*Ruth Bremer	920 Tyler Street	Beauty Shop
Brown Florists	2001 Ashland	Florist
*David Brownson	302 W. 17th St.	Locksmith & Alarm Bus.
Evelyn Carl	406 W. 18th St.	Beauty Shop
Terry Cavalier	1107 Lyn Way	Beauty Shop
*Thomas Claflin	1306 W. 22nd St.	Garment Silkscreening
Conrad Eckhart	1930 Walnut Street	Vacuum Service
*Terry Frantz	522 W. 5th St.	Computer Software
Jay Fuller	709 West 12th St.	Sign Painting & Vehicle
Pat Hageman	1523 Tyler Street	Beauty Shop
Margaret Heisler	1400 Lyn Way	Beauty Shop
John Hopkins	1342 W. 7th St.	Swimming & diving lessons
*Charles Huberty	308 W. 13th St.	Barber Shop
Lynn Huesser	1612 Westview Dr.	Beauty Shop
*Elaine Hullander	907 W. 7th St.	Beauty Shop
P. Juneau	2024 Nininger Rd.	Computer Service
Andy Klinek	924 W. 14th St.	Wood Carving
Tibor Kovacs	1124 Ramsey St.	Jewelry making/clock rep.
*Sandra Latch	141 Olive	Dog Grooming
*John Lewis, Jr.	1410 1/2 Ramsey	Plbg. Office
*Dorothy Loesch	1101 Hillside Dr.	Beauty Shop
*Jerome Marzen	905 Ramsey St.	Saw Sharpening
Mirella Maurus	923 W. 14th St.	Upholstery
*Vallard & Debbie May	1830 Maple Street	Catering Service
*James Minder	1336 Honeysuckle Lane	Photography Studio
*Arthur Morin	2310 Westview Drive	Communications System
Richard Niederkorn	1018 Sibley	Beauty Shop
*Thomas Nolan	1016 Tyler Street	Art & Custom Framing
Kenneth Nowlan	713 W. 16th Street	Furniture Upholsterer
Richard Peterson	1314 W. 17th St.	Drain & Sewer Cleaning
*Potts Werkert	1415 Blueberry Lane	Tapes (Produce)
Dan Rother	1343 W. 19th Street	Photography Studio
*Robert Schmitz	803 Oak Street	Real Estate, Taxi, Locksmith
Mike Simacek	1041 W. 4th Street	Woodworking, Arts
*Judy Seleski	214 W. 8th St.	Balloons Galore
Al Spangler	606 Maple Street	Upholstering
Douglas Starkweather	1313 W. 14th St.	Insurance Office
Kathleen Tanner	1220 Honeysuckle Ln.	Pre-School, Kindergarten

Richard Tibbits  
\*Pam Thorsen  
\*Jane Von Feldt  
\*Harold Welch

1208 Sibley Street  
649 W. 3rd Street  
1389 Brittany Rd.  
1000 Cty. Rd. 47

Locksmith  
Publications Office  
Balloon Bouquets  
Ski Cases

\*Have not paid as of 7/3/86

Those names underlined are the home occupations which were recently inspected.

HOME OCCUPATION  
MAC MCGOON  
PHOTOGRAPHY  
STUDIO

Moved by Councilmember Trautman, seconded by Councilmember Plan to pass the 1st Reading of an Ordinance amendment allowing Home Occupation Permits for Single Family homes and Duplexes in an R3 zoning district and calling for a public hearing on July 21, 1986. 5 Ayes; Naves, Nesbitt and Berg. This motion fails because it requires a 6/8 vote for an ordinance amendment.

Moved by Councilmember Berg, seconded by Councilmember Nesbitt to approve a temporary 60 day Home Occupation permit for Mac McGoon Photography Studio at 1100 Westview Drive. 7 Ayes; Naves, None.

Moved by Councilmember Nesbitt, seconded by Councilmember Berg to authorize the Planning Commission and Staff to prepare a study pertaining to home occupations in R-3 zones and a possible variance to the home occupation standards if requested by the Mac McGoon Photography Studio. Said study is to be completed within 60 days. 7 Ayes; Naves, None.

FINAL PLAT -3RD  
READING ORDINANCE  
NO. 201-VALLEY  
WEST 2ND  
ADDITION

Moved by Councilmember Werner, seconded by Councilmember Berg to approve the Final Plat for Valley West 2nd Addition - Conzemius Brothers, and passed the 3rd Reading of Ordinance No. 201 Rezoning from PI and Agricultural to R-2 Medium Density Residential. A Developers Agreement is to be entered into to take into consideration, but not limited to those items of concern brought forward during the rezoning and preliminary plat review. 7 Ayes; Naves, None.

FINAL PLAT AND  
3RD READING-  
ORDINANCE NO.  
202-BAUER VIEW  
2ND ADDITION

Moved by Councilmember Werner, seconded by Councilmember Berg to approve the Final Plat for Bauer View 2nd Addition and approve the 3rd Reading of Ordinance No. 202 Rezoning from R-3 to R-1. This approval is based upon the Planning Commissions recommendations as follows, and that the island within the cul-de-sac shall be the responsibility of the homeowners. 7 Ayes; Naves, None.

Recommendation: The Planning Commission recommended approval of the final plat with the changes as proposed including the deletion of a lot along Southview Drive subject to the City Council authorizing the Mayor and City Administrator to enter into a developers agreement to take into consideration, but not limited to those items of concern which were brought forward during the rezoning, preliminary plat, and final plat review process. The recommendation for approval was also subject to the requirement that the Developer work closely with the City Engineering Department regarding the design of the cul-de-sac. In addition, the Developer will be required to place covenants against the properties within the cul-de-sac requiring the property owners to maintain the island. Also, the Developer will be required to maintain the island within the cul-de-sac until all the lots are sold and the homes occupied. It is further recommended that the third reading of the ordinance amendment be approved and that the City Council authorize the Mayor and City Administrator to sign a quit claim deed to release the utility easement.

1ST READING-  
ZONING DESIGNATION-  
MALCOLM AVENUE  
PROPERTY

Moved by Councilmember Berg, seconded by Councilmember Plan to pass the 1st Reading of an Ordinance Amending Section 10.01 Subdivision 1 of the City Code for property contained within and described as Sunny Acres being zoned R-2 Medium Density Residential and setting a public hearing for the July 21, 1986 regular City Council meeting. 7 Ayes; Naves, None.

DAVIES EXCAVATING-  
SOIL PROCESSING  
PERMIT

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to approve the renewal of the Soil Processing Permit for Davies Excavation with the same conditions stipulated during the original approval and subject to the following:

1. The site is to be restored, upon completion of the Mining Operation, pursuant to the plans provided to the city during the original application.
2. Operating hours are not to be in excess of 7:00 A.M. to 5:00 P.M. Monday through Saturday except holidays. In cases of emergencies, Davies may operate during hours other than those noted upon approval by the City Administrator.

3. Approval of the permit renewal is subject to the city receiving a bond in the amount of \$1,000 to insure the compliance of the terms and conditions of the permit (pursuant to Section 10.03 Subdivision 6E4). 7 Ayes; Naves, None.

Moved by Councilmember Werner, seconded by Councilmember Berg to approve the renewal of the soil processing permit for Holst Construction Company subject to the following: HOLST CONSTRUCTION  
SOIL PROCESSING  
PERMIT

1. That Holst Operation hours for truck hauling shall be from 5:00 A.M. to 9:00 P.M. Monday through Saturday. Holst Operating hours for the pit shall be 24 hours per day during March 1st through December 31st and the daylight hours only during April 1st through the last day in February. In addition, Holst Construction shall refrain at all times from using CSAH 54 (10th Street) for hauling purposes between the hours of 5 P.M. to 7 A.M. Variation from these hours due to the extenuating circumstances may be allowed upon approval by the City Administrator.
2. The mining site is to be maintained and restored pursuant to the plans and information provided to the city during the original application period in 1983.
3. Holst is to obtain, if applicable, any required permits from the MPCA, DNR, etc., for the soil processing operation.
4. Holst is to refrain from using Highway 291 for hauling purposes between the hours of 5 P.M. to 7 A.M. 6 Ayes; Naves, Kulzer.

Moved by Councilmember Nesbitt, seconded by Councilmember Berg to pass the 3rd Reading of Ordinance No. 203 Amending Section 10.24 Subdivision 3 relating to site plan approval and adding Subdivision 5 relating to a developers agreement. 7 Ayes; Naves, None. 3RD READING -  
ORDINANCE NO.  
203-SITE PLAN  
REVIEW PROCEDURE

Moved by Councilmember Werner, seconded by Councilmember Kulzer to approve the sidewalk width change from 5 feet to 4 feet on Pine St. for the 1986 Improvement Project and having the existing sidewalk remain between 3rd Street and 4th Street. 6 Ayes; Naves, Mathiowetz. PINE STREET FROM  
2ND TO T.H. 55

Moved by Councilmember Berg, seconded by Councilmember Mathiowetz to amend the 1986 Improvement Project for Pine Street having no new sidewalk installed and leaving the sidewalks there that currently exist. 4 Ayes; Naves, Werner, Kulzer and Trautmann. Motion passes.

Moved by Councilmember Werner, seconded by Councilmember Kulzer to approve the estimated market value reductions from \$73,600 to \$58,700 for Alvera Larsen parcel No. 19-32151-010-16 and reducing the estimated market value from \$106,700 to \$102,800 for John and Mary Malban for Parcel No. 19-02000-020-78. 7 Ayes; Naves, None. REAL ESTATE  
ABATEMENTS

Moved by Councilmember Berg, seconded by Councilmember Trautmann to accept the resignation of Tom Lewanski from the Natural Resources and Recreation Commission due to his recent move from the Hastings area. 7 Ayes; Naves, None. ACCEPT RESIGNATION  
-NRRC

Moved by Councilmember Werner, seconded by Councilmember Kulzer to pass the 1st Reading of an Ordinance Amending Section 2.42, Subdivision 2 of the City Code reducing the size of the membership for the Natural Resources and Recreation Commission and setting a public hearing for the July 21, 1986 regular City Council meeting. 7 Ayes; Naves, None. 1ST READING-  
ORDINANCE AMEND-  
MENT-REDUCTION  
OF NRRC MEMBER-  
SHIP.

Moved by Councilmember Trautmann, seconded by Councilmember Nesbitt to pass the 3rd Reading of Ordinance No. 204 amending Chapter 2, Section 2.57 of the City Code having to do with establishing an Absentee Ballot Board. 7 Ayes; Naves, None. 3RD READING-  
ORDINANCE NO. 204-  
ABSENTEE BALLOT  
BOARD

Moved by Councilmember Werner, seconded by Councilmember Plan to table the 2nd Reading of the Charter Amendments to the July 21st meeting due to the requirement that all members of the Council must vote and Councilmember Bond was absent. 7 Ayes; Naves, None. CHARTER AMENDMENTS  
2ND READING

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to pass the 1st Reading of an Ordinance Amending Chapter 2, Section 2.61 of the City Code providing for the wiring of funds and setting a public hearing for the July 21, 1986 regular City Council meeting. 7 Ayes; Naves, None. 1ST READING-  
ORDINANCE AMEND-  
MENT- WIRING OF  
FUNDS

JOINT POWERS  
BUDGET WITH  
SCHOOL DISTRICT

Moved by Councilmember Trautmann, seconded by Councilmember Werner to adopt the following budget with the School District 200. 7 Ayes; Nays, None.

	<u>1985-1986</u>	<u>1986-1987</u>	<u>1985-1986</u>	<u>1986-1987</u>
ADMINISTRATION	---	---	\$52,665.00	\$54,021.00
Sr. Citizens	\$1,000.00	\$1,000.00	18,748.00	18,324.00
Special Services	---	---	8,120.00	8,483.00
Recreation Program	39,616.00	39,276.00	85,299.75	84,941.34
Adult League User Fees	15,754.00	16,401.00	---	---
Sub Total	\$56,381.00	\$56,677.00	\$164,832.75	\$165,769.34
CITY OF HASTINGS	\$51,277.88	\$51,598.17		
SCHOOL DISTRICT 200	51,277.87	51,598.17		
School District 200				
In-Kind	5,896.00	5,896.00		
Sub Total	\$108,451.75	\$109,092.34		
CAPITAL OUTLAY _ COST SHARE PROJECTS				
City of Hastings	\$15,960.00	\$15,300.00	\$15,960.00	\$15,300.00
School District 200	14,040.00	35,700.00	14,040.00	35,700.00
Sub Total	\$30,000.00	\$51,000.00	\$30,000.00	\$51,000.00
Grand Total	\$194,832.75	\$216,769.34	\$194,832.75	\$216,769.34

BICYCLE RACE  
EVENT-VETERANS  
HOME PARK

Moved by Councilmember Kulzer, seconded by Councilmember Werner to approve a bicycle race event to be held at Veterans Home Park on August 24, 1986. The City would be required to install a gate allowing better access for emergency vehicles the cost of this gate would be \$1,500.00. 7 Ayes; Nays, None.

AUTHORIZE  
ADVERTISEMENT  
FOR BIDS-  
EMPLOYEE HEALTH  
INSURANCE

Moved by Councilmember Trautmann, seconded by Councilmember Werner to approve the plans and specifications and authorize the advertising for bids for Life, AD & D, and Health Insurance for the city employees. Bids to be opened on July 30, 1986 at 10:00 a.m. and considered for award at the August 4, 1986 regular City Council meeting. 7 Ayes; Nays, None.

SLOW PITCH-  
BEER LICENSE

Moved by Councilmember Werner, seconded by Councilmember Berg to approve the change for the Hastings Independent Slow Pitch League beer license issued for July 12, 13 to July 19 and 20, 1986. 7 Ayes; Nays, None.

DECLARING EXCESS  
PROPERTY-NORTH  
FRONTAGE ROAD

Moved by Councilmember Berg, seconded by Councilmember Nesbitt to obtain an appraisal with an upper limit of \$200 for the property located near the storage tank at North Frontage Road. 3 Ayes; Nays, Werner, Kulzer, Trautmann and Plan.

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to set a public hearing, to consider declaring the property near the storage tank as excess property, for the July 21, 1986 regular City Council meeting. 7 Ayes; Nays, None.

ORDINANCE  
REVISION-CHARTER  
AMENDMENTS

Moved by Councilmember Werner, seconded by Councilmember Plan to have the City Attorney and the City Staff prepare the necessary ordinance amendments for consideration at the July 21, 1986 regular City Council meeting that have been affected due to the recent Charter Amendment Changes. 7 Ayes; Nays, None.

FINAL PAYMENT-  
WATER TOWER  
WATERMAIN PROJ.  
1984-11

Moved by Councilmember Plan, seconded by Councilmember Nesbitt to approve the final payment of \$10,053.12 to S.J. Louis Construction Company for the Water Tower Watermain. 7 Ayes; Nays, None.

STOP SIGNS AT  
FOREST AND  
7TH STREET

Moved by Councilmember Kulzer, seconded by Councilmember Nesbitt to authorize City Staff to place stop signs on the North and South sides of 7th Street at Forest Street. 7 Ayes; Nays, None.

RESIGNATION  
COUNCILMEMBER  
MATHIOWETZ

Councilmember Mathiowetz informed the City Council that he would be resigning his position as Councilmember effective July 15, 1986 due to his relocating outside of the ward.

CONSENT AGENDA

Moved by Councilmember Werner, seconded by Councilmember Trautmann to:

1. Pay all bills as audited.
  2. Estimate No. 1- Northdale Construction Company \$48,181.34.
  3. Estimate No. 2-Austin P. Keller Construction Company \$488,736.46.
- 7 Ayes; Nayes, None.

Moved by Councilmember Berg, seconded by Councilmember Plan  
to adjourn the meeting at 9:37 P.M. 7 Ayes; Nayes, None.

ADJOURNMENT

\_\_\_\_\_  
Mayor

AIMEST

\_\_\_\_\_  
City Administrator/Clerk

MINUTES OF HASTINGS PLANNING COMMISSION

Monday, July 14, 1986

The regular meeting of the Hastings Planning Commission was called to order at 7:30 p.m.

Members Present: Commissioners Ditty, Stevens, Dredge, Folch, Conzemius, Anderson, Voelker and Chairman Simacek.

Members Absent: Commissioner Kaiser

Staff Present: Planning Director Harmening

Commissioner Folch moved, seconded by Commissioner Stevens, to approve the June 23, 1986 Planning Commission minutes. Voice vote carried unanimously.

MINUTES

Chairman Simacek opened the public hearing at 7:32 p.m. There being no comments from the audience the Chairman closed the public hearing at 7:33 p.m.

PUBLIC HEARING--  
MINOR SUBDIVISION--  
LOT 2, BLOCK 1,  
WESTVIEW 2ND  
ADDITION--HERTOGS,  
FLUEGEL, ETC.--IBI

The Planning Director briefly reviewed the matter before the Planning Commission. The Planning Director noted that in the fall of 1985 the City approved a site plan and parking variance for a proposed office addition to the Hertogs, Fluegel, Sieben, Polk, Jones & LaVerdiere building at 999 Westview Drive. The office building itself is located on lot 1, block 1 of Westview 2nd Addition. The proposed new parking lot to accommodate the addition was proposed to be located on lot 2, block 1 of the Westview 2nd Addition which is owned by IBI, Inc. The law firm now desires to purchase the necessary land for the new parking lot. Brooks Swanson, representative of IBI, was in attendance and answered questions of the Planning Commission. Planning Director Harmening noted that a concern of staff pertained to the eventual replatting of the Westview 2nd Addition to clear up the somewhat confusing metes and bounds descriptions within the present plat. Harmening noted that the applicants proposed to include a clause within a document called a Declaration of Minor Subdivision which would require IBI, Inc. to replat the Westview 2nd Addition at such time as certain conditions are present. Planning Director Harmening noted that the proposed approach would appear to be an acceptable way in which to alleviate staffs concerns.

After discussion a motion was made by Commissioner Conzemius, seconded by Commissioner Folch, to recommend to the City Council that the minor subdivision be approved subject to a Declaration of Minor Subdivision being recorded against the property which includes a clause pertaining to the Westview 2nd Addition being replatted at a later date by IBI, Inc. Upon vote taken, Ayes, 8; Nays, 0.



The Planning Director reviewed with the Planning Commission the proposed final plat for the Highland Hills 3rd Addition. Specific items which received discussion included:

FINAL PLAT-HIGHLAN  
HILLS 3RD ADDITION  
SIEWERT CONSTRUCT.

- A. Park land dedication - the Planning Director noted that upon reviewing the Highland Hills platting action which has taken place it appears the developer is still required to provide the city with .431 acres of park land or \$3,146.30 in lieu of park land for the Highland Hills 2nd Addition, Highland Hills 3rd Addition, and the anticipated future Highland Hills 4th Addition. It was noted that the NRRC recommended that the city accept the cash in lieu of the park land dedication.
- B. Street name - The Planning Director noted that on the preliminary plat the developer proposed to name one of the street extensions as Brittany Trail. It was felt that the proposed street name would be confusing with the existing Brittany Road. The Planning Director noted that the Developer has changed the street name to Brooke Lane.
- C. Easements - The Planning Director noted that the developer should consider providing drainage and utility easements along the interior side lot lines to accommodate the various utility companies.
- D. Walkways (designated as Outlots A & B) - The Planning Director noted that the Outlots are proposed to be conveyed to the City due to the location of storm sewer structures in the Outlots. Upon reviewing preliminary plats for this area which were submitted several years ago it was found that the Outlots were also to serve as improved walkways or access paths to the 20th St. Ponding Basin which also serves in part as the park land area and open space for the Highland Hills plats. It was noted in previous memos that the developer should improve these Outlots (Walkways) at the time the utilities and improvements are installed within the plat.

Todd Siewert, representing Siewert Construction, was present to answer questions of the Planning Commission. Siewert expressed concern with the timing of the issuance of building permits and the occupancy of the homes as related to the installation of the municipal improvements. Siewert also expressed concern with the requirement that the walkways be improved as it was felt the future adjacent property owners would not be in favor of the installation of the walkways.

After discussion a motion was made by Commissioner Conzemius, seconded by Commissioner Ditty, to recommend that the City Council approve the final plat for the Highland Hills 3rd Addition subject to a Developers Agreement being entered into to take into consideration but not limited to those items of concern which were brought forward in the preliminary plat and final plat review process. The Development Agreement is to include provisions for the payment of the park land costs, interceptor sewer charges, and the improvement by the developer of the Outlots (walkways). Upon vote taken, Ayes, 8; Nays, 0.

The Planning Director informed the Planning Commission that based upon recent research into a separate zoning matter it was found that home occupations were not considered to be a permitted use in the R-3 medium density residential zone. The Planning Director noted that home occupations are currently considered permitted uses in the Ag zone, R-1 zone, and R-2 zone. The Planning Director further noted that it appeared one primary reason why home occupations were not allowed in R-3 zones was based on the fact that up until early 1984 single family homes were not permitted at all in the R-3 zone. Prior to 1984 the absence of home occupations as a permitted use in the R-3 zone was probably based, at least in part, on the fact that home occupation activities were not considered advisable in high density multi family buildings. With the recent development of R-3 planned residential developments, which include single family homes, it appears that some consideration should be given to allowing home occupations in R-3 zones for single family dwellings and duplexes. This question was presented to the City Council whereupon direction was given to the Planning Commission and staff to study the matter and provide a recommendation on the question of home occupations in R-3 zones.

The Planning Director reviewed with the Planning Commission a proposed zoning ordinance amendment which would permit home occupations in R-3 zones for single family dwellings and duplexes.

The Planning Director informed the Planning Commission that unless specifically stated otherwise by allowing home occupations in R-3 zones, as per the proposed zoning amendment, the language of the zoning ordinance would also permit home occupations in single family homes and duplexes in the R-4 and R-5 zones. After discussion a motion was made by Commissioner Dredge, seconded by Commissioner Anderson, to recommend to the City Council that an amendment be made to the zoning ordinance to permit home occupations in the R-3 zones for single family dwellings and two family dwellings. Upon vote taken, Ayes, 8; Nays, 0.

The Planning Director informed the Planning Commission that Mr. McGoan has requested that the Planning Commission consider tabling the variance request until the next meeting of the Planning Commission. A motion was made by Commissioner Folch, seconded by Commissioner Anderson, to table the McGoan variance request until the next meeting of the Planning Commission. Upon vote taken, Ayes, 8; Nays, 0.

VARIANCE REQUEST  
MCGOON PHOTOGRAPH  
STUDIO, 1100  
WESTVIEW DRIVE

A motion was made Commissioner Voelker, seconded by Commissioner Ditty, to order a public hearing, as requested by the St. Paul Bank For Coopertives, regarding a minor subdivision of the grain elevator/feed mill site at 2nd & Tyler St. The public hearing is to be held July 28, 1986 at 7:30 p.m. Upon vote taken, Ayes, 8; Nays, 0.

ORDER PUBLIC  
HEARING-MINOR  
SUBDIVISION OF  
GRAIN ELEVATOR/  
FEED MILL SITE,  
2ND & TYLER ST.

Commissioner Conzemius reviewed with the Planning Commission the findings of the committee which studied a question pertaining to action the Planning Commission and Council had taken in the past regarding corner lot setback requirements. Conzemius indicated that based on past memos and minutes of the Planning Commission and City Council the Planning Commission and Council intended to adopt an ordinance in 1984 which was to require that all homes proposed to be built on lots platted after 1984 were to have 25 foot corner side setbacks on both street sides and that a 35 foot setback requirement be met on one of the other two sides for a home on a reversed frontage lot. Conzemius further indicated that although this intended change was proposed it was not carried through procedurally in ordinance form such that it is now fully in effect. After discussion a motion was made by Commissioner Conzemius, seconded by Commissioner Folch, to recommend that the necessary action be taken by the City to adopt an ordinance to fully carry through the intentions of the Planning Commission and City Council regarding the corner lot setback requirements. Upon vote taken, Ayes, 8; Nays, 0.

SETBACK REQUIREMENTS FOR CORNER LOTS

The Planning Director updated the Planning Commission on recent actions of the Hastings City Council.

OTHER BUSINESS

A motion was made by Commissioner Dredge, seconded by Commissioner Anderson, to adjourn the Planning Commission meeting at 8:30 p.m. Upon vote taken, Ayes, 8; Nays, 0.

ADJOURNMENT

VIAI

MEMO

Date: July 17, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

RE: Public Hearing/2nd Reading - R-2 Zoning Designation for Sunny Acres  
Plat (Malcolm Ave. properties).

Attached, for a second reading, is the above stated Zoning Ordinance  
Amendment.

jt

ORDINANCE NO. , SECOND SERIES

An Ordinance of the City of Hastings, Minnesota amending Section 10.01 Subdivision 1 of the City Code to do with:

OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Hastings as follows:

All of those properties contained within and described as Sunny Acres is hereby zoned R-2 Medium Density Residential.

ADOPTED BY THE COUNCIL THIS DAY OF 1986.

ATTEST:

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Gary E. Brown, City Administrator/Clerk LuAnn Stoffel, Mayor

VIA2

MEMO

Date: July 17, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Minor Subdivision - Lot 2, Block 1 of Westview 2nd Addition - Hertogs, Fluegel, Sieben, Polk, Jones & LaVerdiere/ IBI, Inc.

As the City Council may recall, in the fall of 1985 the City approved a site plan and parking variance for a proposed office addition to the Hertogs, Fluegel, Sieben, Polk, Jones & LaVerdiere building at 999 Westview Drive. The office building itself is located on lot 1, block 1, of Westview 2nd Addition. The proposed new parking lot to accomodate the addition was proposed to be located on lot 2, block 1 of Westview 2nd Addition which is owned by I.B.I., Inc. The law firm now desires to purchase the necessary land for the new parking lot.

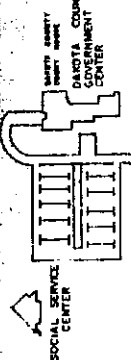
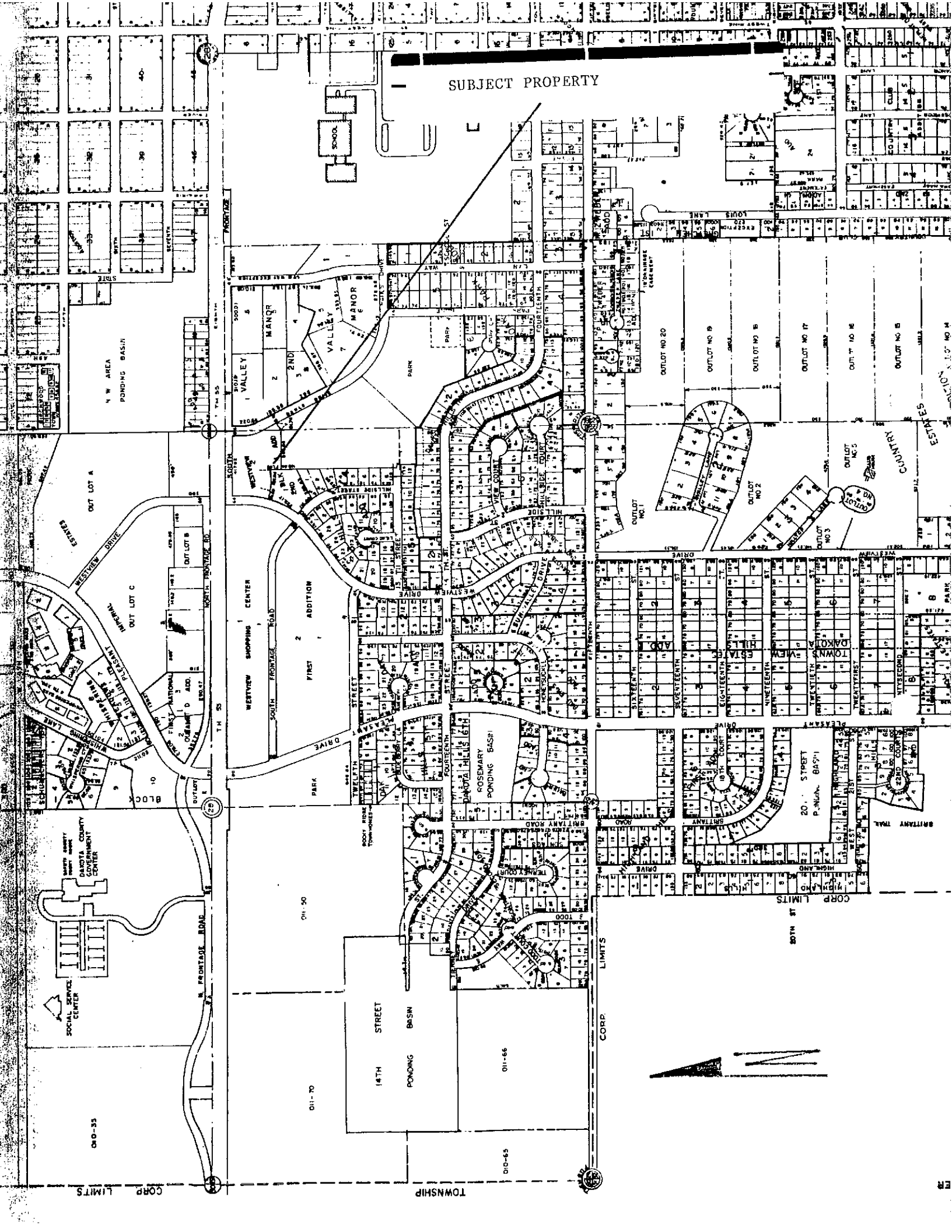
Attached, for your review, is a sketch illustrating the parcel in question (parcel 3) and proposed legal descriptions from a land surveyor. In addition, the applicant has also provided a draft of a Declaration of Minor Subdivision which covers various items of concern relating to the proposed minor subdivision. It is anticipated that this document will be recorded against the property in question. On a related matter, staff had a concern regarding the resubdivision of the originally platted Westview 2nd Addition through the proposed metes and bounds description method. To address this concern the applicants are proposing to include a clause within the declaration of minor subdivision which will require IBI, Inc. to eventually replat Westview 2nd Addition at a later date. This approach would appear to be an acceptable way in which to alleviate staffs concerns.

Recommendation:

The Planning Commission recommended that the minor subdivision be approved subject to a Declaration of Minor Subdivision being recorded against the property which includes a clause pertaining to the Westview 2nd Addition being replatted at a later date by IBI, Inc.

jt

SUBJECT PROPERTY



CORP. LIMITS

TOWNSHIP

CORP. LIMITS

CORP. LIMITS

01-35

01-30

01-66

01-65

20th STREET  
PONDING BASIN

14TH  
STREET  
PONDING  
BASIN

WESTVIEW SHOPPING CENTER  
SOUTH FRONTAGE ROAD

FIRST ADDITION

OUT LOT A

OUT LOT B

OUT LOT C

1 VALLEY MANOR

2 2ND

3 VALLEY MANOR

OUTLOT NO 20

OUTLOT NO 19

OUTLOT NO 18

OUTLOT NO 17

OUTLOT NO 16

OUTLOT NO 15

OUTLOT NO 11

OUTLOT NO 12

OUTLOT NO 13

OUTLOT NO 14

OUTLOT NO 15

OUTLOT NO 16

COUNTRY

ESPLANADE

CLUB

EDUCATION

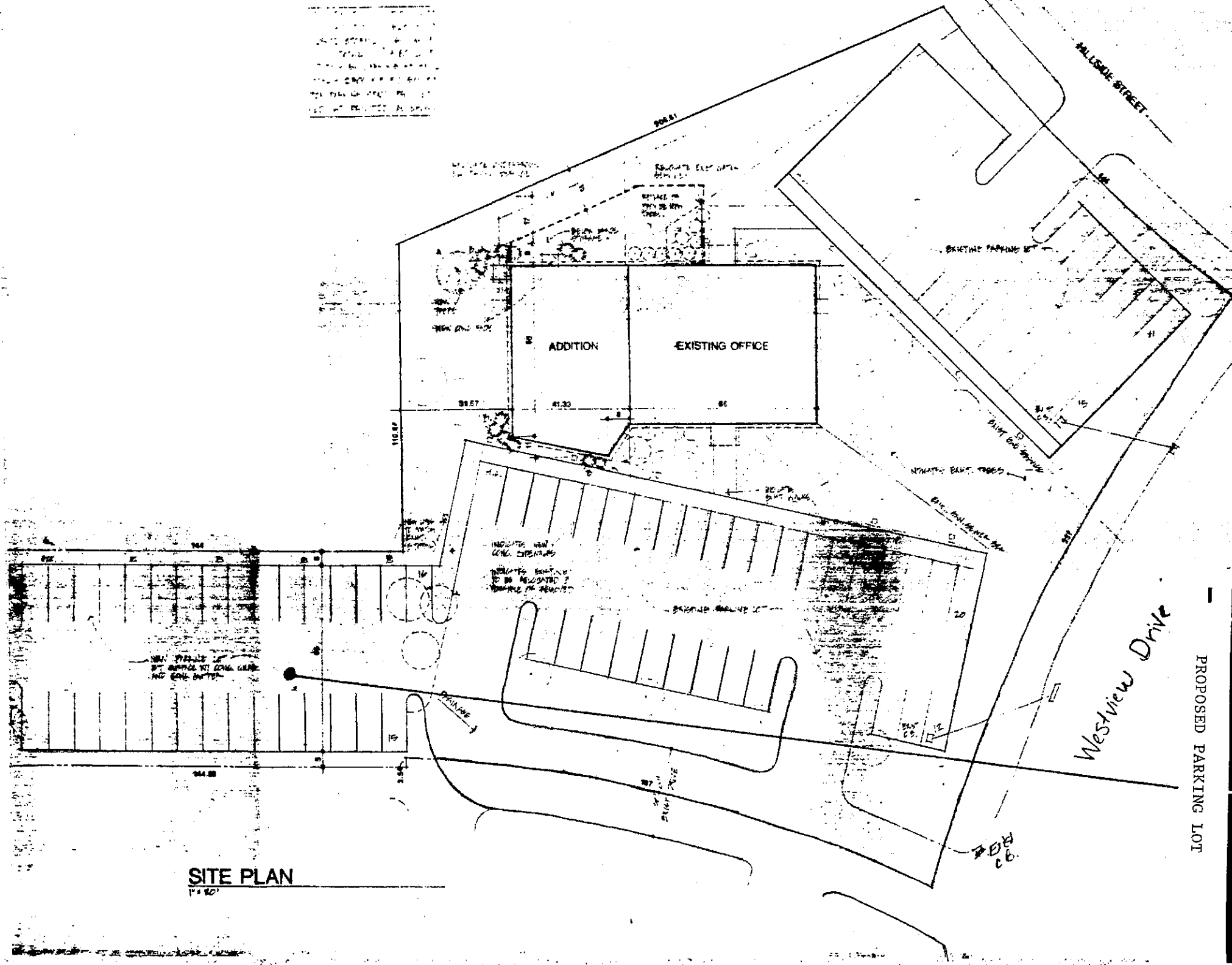
RECREATION

INDUSTRIAL

RESIDENTIAL

UNDEVELOPED

ALL DIMENSIONS  
 ARE IN FEET  
 UNLESS OTHERWISE  
 SPECIFIED  
 THE OWNER SHALL  
 BE RESPONSIBLE FOR  
 OBTAINING ALL  
 NECESSARY PERMITS  
 AND APPROVALS



**SITE PLAN**

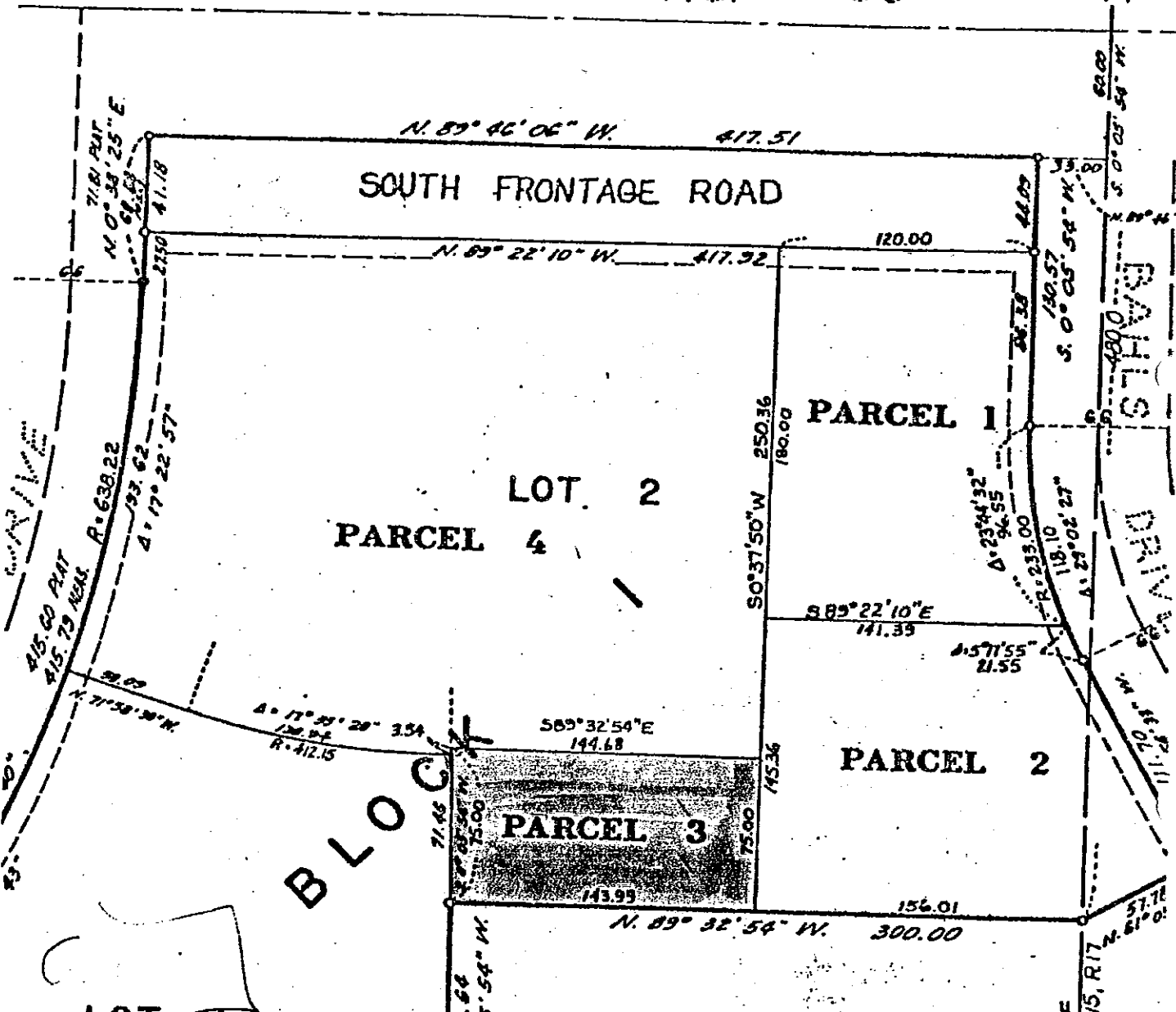
PROPOSED PARKING LOT



NORTH LINE OF E½ OF SE¼ OF SEC. 29, T.115, R.17  
 N89°32'54"W

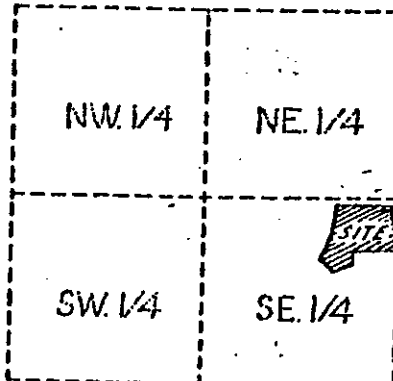
STATE HIGHWAY NO. 55

EAST 1/4 COR.  
 SEC. 29, T.115, R.17  
 DAK. CO. MON.



LOT 1

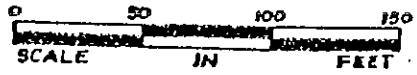
VICINITY MAP



N  
 NO SCALE

--- DENOTES TYPICAL UTILITY EASEMENT BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.  
 ○ DENOTES SET IRON MONUMENTS MARKED BY REGISTRATION NO. 9294  
 ● DENOTES IRON MONUMENT FOUND

PLAT DENOTES WESTVIEW SHOPPING CENTER  
 LOT AND



DECLARATION OF MINOR SUBDIVISION

THIS DECLARATION is made by IBI, Inc., a Minnesota corporation herein referred to as "IBI", and Samuel H. Hertogs and Donald J. Fluegel, herein referred to as "Purchasers" to the City of Hastings, which Declaration includes the following described property in the City of Hastings, County of Dakota, State of Minnesota, to-wit:

Lot 2, Block 1, Westview 2nd Addition, according to the recorded plat thereof, Dakota County, Minnesota, except that part thereof described as follows:

EXCEPT beginning at the Northeast corner of said Lot 2; thence N 89° 22' 10" W, bearing assumed, along the north line of said Lot 2, a distance of 120.00 feet; thence S 0° 37' 50" W a distance of 180.00 feet; thence S 89° 22' 10" E a distance of 141.39 feet more or less to the east line of said Lot 2; thence northwesterly and northerly, along said east line to the point of beginning,

AND ALSO EXCEPT commencing at the northeast corner of said Lot 2; thence N 89° 22' 10" W, bearing assumed, along the North line of said Lot 2, a distance of 120.00 feet; thence S 0° 37' 50" W a distance of 180.00 feet to the point of beginning of the land to be described; thence S 0° 37' 50" W a distance of 145.36 feet more or less to the South line of said Lot 2; thence S 89° 32' 54" E, along said south line, a distance of 156.01 feet to an angle point in said South line; thence N 61° 03' 27" E, along said South line, a distance of 57.78 feet to the easterly line of said Lot 2; thence northwesterly, along said easterly line, to its intersection with a line bearing S 89° 22' 10" E from the point of beginning; thence N 89° 22' 10" W to the point of beginning.

WHEREAS, IBI does certify and affirm that it is the fee owner of the property referred to above and that it has good right, title and interest therein, sufficient to enter into this Declaration; and

WHEREAS, IBI desires to sell and Purchasers desire to buy that portion of said parcel hereinafter described as Parcel 3, for expansion of the parking area of Purchasers' newly expanded office building which is situated adjacent to said Parcel 3; and

WHEREAS, this "Minor Subdivision" was approved by the City Council of the City of Hastings at its meeting held July 21, 1986, subject to IBI, its corporate successors and assigns, agreeing to replat Lot 2, Block 1, Westview 2nd Addition. Said replatting will be commenced upon completion of the realignment of South Frontage Road. The configuration of the Lots will follow the lines presently established, except for those lines which are to be determined by said realignment; and

WHEREAS, IBI requests authority to have the property above-described

divided into two separate parcels for purposes of zoning and like considerations; and

WHEREAS, the parties agree to certain conditions regarding said minor subdivisions; and

WHEREAS, it is understood that the successors and assigns as owners of the property involved will hereinafter be required to comply with the City's zoning and subdivision regulations based upon said descriptions as hereinafter set forth; and

WHEREAS, the parties request that pursuant to the authorization of the City Council, a formal Declaration be executed and filed by IBI in the City of Hastings confirming said Minor Subdivision, in recordable form:

NOW, THEREFORE, it is declared as follows:

1. That hereafter the subject properties shall be described as follows:

Parcel 4

That part of Lot 2, Block 1, Westview 2nd Addition, on file and of record in the office of the County Recorder, Dakota County, Minnesota, lying northerly and westerly of the following described line:

Commencing at the northeast corner of said Lot 2; thence N 89° 22' 10" W, bearing assumed, along the north line of said Lot 2 a distance of 120.00 feet to the point of beginning of the line to be described; thence S 0° 37' 50" W a distance of 250.36 feet; thence N 89° 32' 54" W a distance of 144.68 feet more or less to the northerly extension of the east line of Lot 1, Block 1, of said Westview 2nd Addition; thence S 0° 05' 54" W, along said northerly extension, a distance of 3.54 feet more or less to the northeast corner of said Lot 1 and said line there terminating.

Containing 75,838 square feet more or less.

Parcel 3

That part of Lot 2, Block 1, Westview 2nd Addition, on file and of record in the office of the County Recorder, Dakota County, Minnesota, described as follows:

Commencing at the northeast corner of said Lot 2; thence N 89° 22' 10" W, bearing assumed, along the North line of said Lot 2, a distance of 120.00 feet; thence S 0° 37' 50" W a distance of 250.36 feet to the point of beginning of the land to be described; thence S 0° 37' 50" W a distance of 75.00 feet more or less to the south line of said Lot 2; thence N 89° 32' 54" W; along said south line, a distance of 143.99 feet to the east line of Lot 1, Block 1, of said Westview 2nd Addition; thence N 0° 05' 54" E, along said east line and its northerly extension, a distance of 75.00 feet to its intersection with a line bearing N 89° 32' 54" W from the point of beginning; thence S 89° 32' 54" E to the point of beginning.

Containing 10,825 square feet more or less.

2. That IBI, for itself and its successors in interest in said property, shall be bound by the terms of this agreement.
3. That for the purpose of compliance with zoning and subdivision regulations and other like regulations, it is agreed that the hereinabove described parcel shall control.
4. It is understood that subsequent owners of the subject properties shall be bound by said lot line designations, for purposes of set back requirements and other like subdivision and zoning requirements.
5. That IBI, its corporate successors and assigns, agree to replat Lot 2, Block 1, Westview 2nd Addition, upon completion of the realignment of South Frontage Road. The newly defined lot lines will follow the lines presently established except for those which are to be determined by said realignment.
6. That the parties agree that this document may be recorded on the land records with the County Recorder or the Registrar, whichever is appropriate, for Dakota County, Minnesota.
7. That the City Administrator of the City of Hastings confirms that this Minor Subdivision was approved at a regular meeting of the Hastings City Council on July \_\_, 1986, as stated above.

Dated this \_\_ day of \_\_\_\_\_, 1986.

IBI, INC., A Minnesota Corporation

By \_\_\_\_\_  
Robert J. Swanson, President

\_\_\_\_\_  
Samuel H. Hertogs, Purchaser

By \_\_\_\_\_  
Paul W. Lawrence, Vice-President

\_\_\_\_\_  
Donald J. Fluegel, Purchaser

CITY OF HASTINGS

By \_\_\_\_\_  
LuAnn Stoffel, Mayor

By \_\_\_\_\_  
Gary E. Brown, City Administrator

STATE OF MINNESOTA )  
                              : ss  
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 1986, by Robert J. Swanson and Paul W. Lawrence, the President and Vice-President, respectively, of IBI, Inc., a Minnesota Corporation, under the laws of Minnesota, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
                          : ss  
COUNTY OF DAKOTA  )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 1986, by LuAnn Stoffel, Mayor, and Gary E. Brown, City Administrator of the City of Hastings.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA )  
                          : ss  
COUNTY OF DAKOTA  )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 1986, by Samuel H. Hertogs and Donald J. Fluegel.

\_\_\_\_\_  
Notary Public

This Instrument was Drafted By:

HERTOGS, FLUEGEL, SIEBEN, POLK,  
  JONES & LAVERDIERE, P.A.  
999 Westview Drive  
Hastings, Minnesota 55033  
Telephone: (612) 437-3148

# DWYER & ASSOCIATES, INC.

*Land Surveyors*

105 West 23rd Street  
Hastings, Minnesota 55033  
Bus: (612) 437-2909 Res: (612) 435-5417



JOHN F. DWYER  
LAND SURVEYOR

## Parcel 3

That part of Lot 2, Block 1, WESTVIEW 2ND ADDITION, on file and of record in the office of the County Recorder, Dakota County, Minnesota, described as follows:

Commencing at the northeast corner of said Lot 2; thence N89 22'10"W, bearing assumed, along the north line of said Lot 2, a distance of 120.00 feet; thence S0 37'50"W a distance of 250.36 feet to the point of beginning of the land to be described; thence S0 37'50"W a distance of 75.00 feet more or less to the south line of said Lot 2; thence N89 32'54"W; along said south line, a distance of 143.99 feet to the east line of Lot 1, Block 1, of said WESTVIEW 2ND ADDITION; thence N0 05'54"E, along said east line and its northerly extension, a distance of 75.00 feet to its intersection with a line bearing N89 32'54"W from the point of beginning; thence S89 32'54"E to the point of beginning.

Containing 10,825 square feet more or less.

## PARCEL 4

That part of Lot 2, Block 1, WESTVIEW 2ND ADDITION, on file and of record in the office of the County Recorder, Dakota County, Minnesota, lying northerly and westerly of the following described line:

Commencing at the northeast corner of said Lot 2; thence N89 22'10"W, bearing assumed, along the north line of said Lot 2, a distance of 120.00 feet to the point of beginning of the line to be described; thence S0 37'50"W a distance of 250.36 feet; thence N89 32'54"W a distance of 144.68 feet more or less to the northerly extension of the east line of Lot 1, Block 1, of said WESTVIEW 2ND ADDITION; thence S0 05'54"W, along said northerly extension, a distance of 3.54 feet more or less to the northeast corner of said Lot 1 and said line there terminating.

Containing 75,838 square feet more or less.

PROJECT: Minor Subdivision - Hertops, Fluegel, etc.  
 Lot 2, Blk 1, Westview 2nd Addn.

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire	✓		7/14/86	Reberdahl	approved
Water	✓		7/14/86	Arnold Erdos	APPROVED
Building	✓		7/14/86	Maria	APPROVED
Planning	✓		7/14/86	T.H.	Approve as per memo dated 7/10/86
Engineering	✓		7/14/86	DJ Kleinschmidt	approved
Parks					

V1193

MEMO

Date: July 17, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Final Plat - Highland Hills 3rd Addition - Siewert Construction

Attached, for your review, is the proposed final plat for Highland Hills 3rd Addition. Comments pertaining to the final plat are as follows:

- A. Park land dedication - Upon reviewing the previous Highland Hills platting action which has taken place it appears the developer is still required to provide the city with .431 acres of parkland or \$3,146.30 in lieu of parkland for the Highland Hills 2nd Addition (platted in 1985), Highland Hills 3rd Addition (now before you) and the anticipated future Highland Hills 4th Addition. Upon reviewing this matter with the NRRC it was recommended that the city accept the cash in lieu of the parkland dedication.
- B. Street name - On the preliminary plat the developer proposed to name one of the street extensions as Brittany Trail. It was felt the proposed street name would be confusing with the existing Brittany Road. The developer has changed the street name to Brooke Lane.
- C. Easements - The developer should provide drainage and utility easements along the interior side lot lines.
- D. Walkways - (designated as Outlots A and B) - The Outlots are proposed to be conveyed to the City due to the location of storm sewer structures in the Outlots. Upon reviewing preliminary plats for this area which were submitted several years ago it was found that the Outlots were also to serve as improved walkways or access paths to the 20th Street Ponding Basin which also serves in part as the park land area and open space for the Highland Hills plats. It was noted in previous staff correspondence that the developer should improve these Outlots (walkways) at the time the utilities and improvements are installed within the plat. Please note that the Developer has expressed concern regarding a requirement that the walkways be improved by the Developer during the construction of the municipal improvements. Although the Planning Commission recommended this requirement the City Council should probably discuss this matter during its meeting.
- E. Other Matters - The Developer has also expressed a concern with respect to a City requirement proposed to be included in the development agreement which states that although the construction of homes within the plat may commence prior to the completion of municipal improvements, occupancy of the homes may not occur until all the public improvements, including the streets, are completed to the City's satisfaction. Again, the City Council should probably discuss this matter during its meeting.



Recommendation -

The Planning Commission recommended that the final plat for the Highland Hills 3rd Addition be approved subject to the Mayor and City Administrator being authorized to enter into a developers agreement to take into consideration but not limited to those items of concern which were brought forward during the preliminary plat and final plat review process. The development agreement is to include provisions for the payment of parkland costs, interceptor sewer charges, the improvement by the developer of the Outlots (walkways), etc.

jt



SUBJECT PROPERTY

COUNTRY ESTATES

CORP LIMITS

CORP LIMITS

20TH STREET  
PONDING BASIN

CORP LIMITS

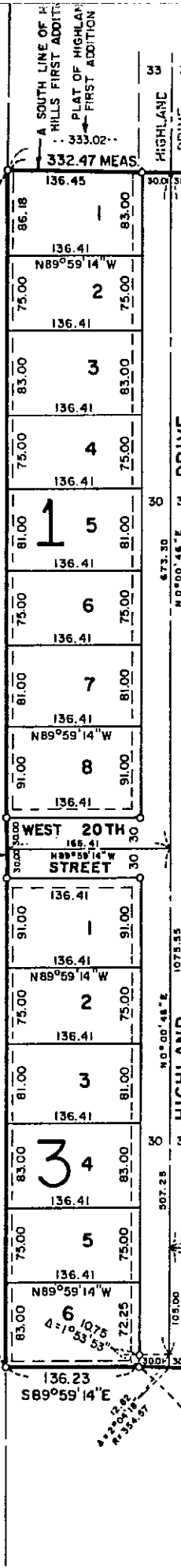
32

CORP LIMITS

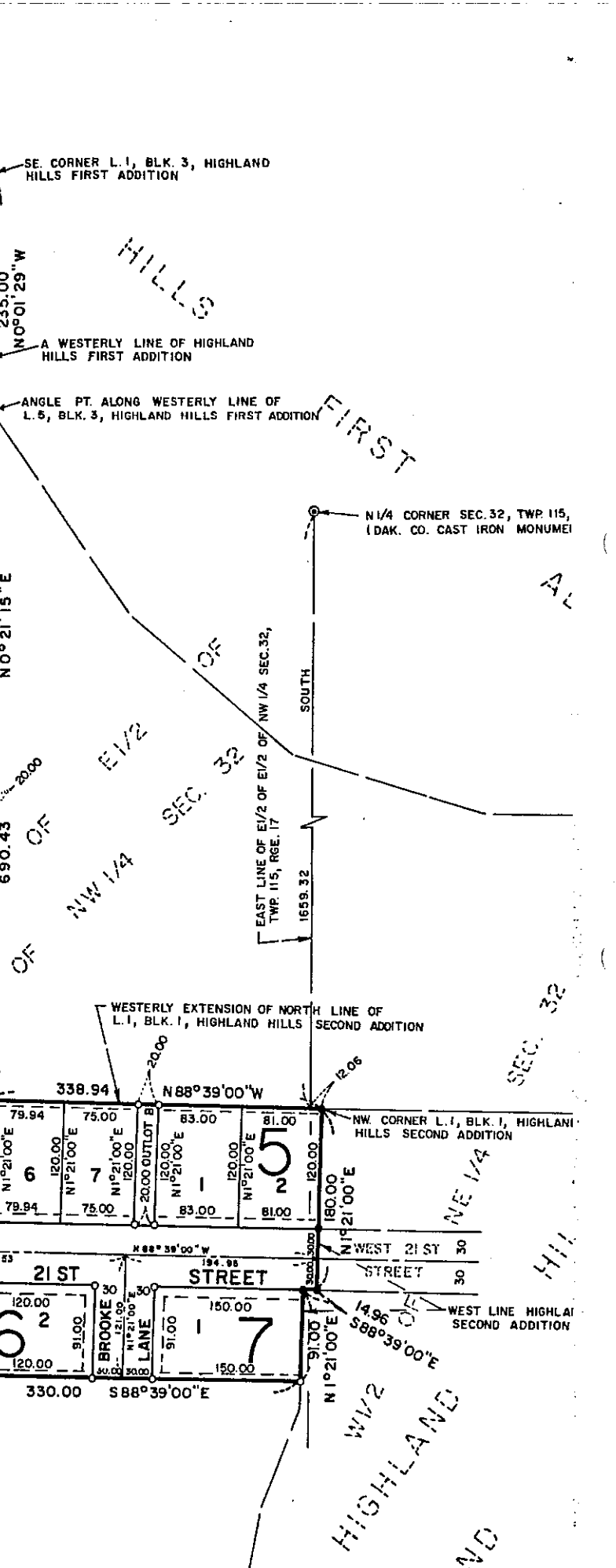
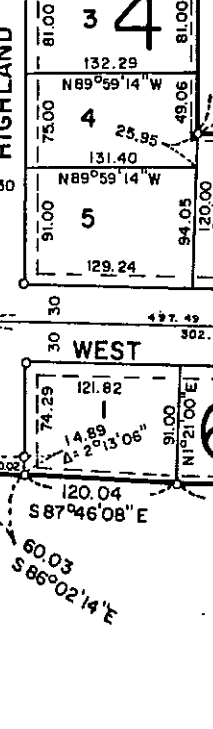
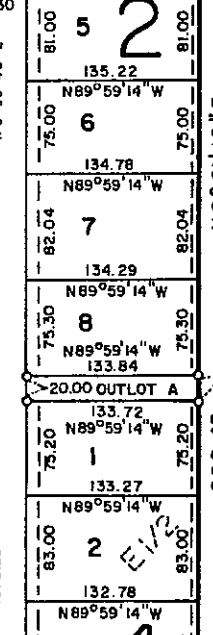
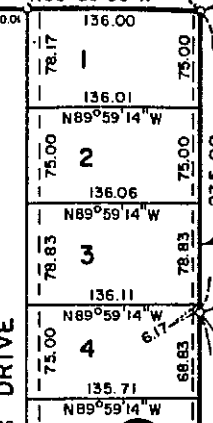
WEST LINE OF E/2 OF NW 1/4 SEC. 32, TWP. 115, RGE. 17

50°00'46"W

1195.18



HIGHLAND HILLS



HIGHLAND HILLS SECOND ADDITION

WEST LINE OF E/2 OF NW 1/4 SEC. 32, TWP. 115, RGE. 17

50°00'46"W

1195.18



HIGHLAND HILLS SECOND ADDITION

WEST LINE OF E/2 OF NW 1/4 SEC. 32, TWP. 115, RGE. 17

50°00'46"W

1195.18



HIGHLAND HILLS SECOND ADDITION

WEST LINE OF E/2 OF NW 1/4 SEC. 32, TWP. 115, RGE. 17

50°00'46"W

1195.18

VIA4

MEMO

Date: July 17, 1986

To: Mayor & City Council

From: Tom Harmening, City Planner

Re: Zoning Ordinance Amendment-Permitting home occupations in R-3 zones

As requested by the City Council during its meeting of July 7th, 1986 the Planning Commission and staff studied the matter pertaining to permitting home occupations in R-3 Medium Density Zones. On a related matter the Planning Commission also intended on considering during its July 14th meeting a request by Mac McGoon for a variance to the citys home occupation standards. Prior to the Planning Commission meeting Mr. McGoon requested that the Planning Commission table the variance request, which it did, such that McGoon could have time to study the variance question further.

As stated previously in this memo the Planning Commission did discuss matters pertaining to permitting home occupations in R-3 zones. The Planning Commission found that home occupations are currently permitted in the Ag zone, R-1 zone (single family) and R-2 zones (single family, two family and three family). It appears one primary reason why home occupations are not allowed in R-3 zones is based on the fact that up until early 1984 single family homes were not permitted at all in the R-3 zone. Prior to 1984 the absence of home occupations as a permitted use in the R-3 zone was probably based, at least in part, on the fact that home occupation activities were not considered advisable in high density multi family buildings. The Planning Commission found that because the proposed zoning amendment would continue to only allow home occupations to be conducted in one and two family homes it did not appear inappropriate or unreasonable to permit such an occurrence in the R-3 zone based in part on the fact that many of the citys more recent developments are zoned R-3 PRD which contain single family and two family homes. (Riverwood, Williams 1st Addition, Siebens Addition, etc.). Please note that the citys zoning ordinance states that the permitted uses in the R-3 zone are also considered uses in the citys R-4 and R-5 zoning districts (higher density zones). Therefore, unless specifically specified otherwise home occupations would also be permitted in single family and two family dwellings in the R-4 and R-5 zones. The Planning Commission did discuss this point and found that it would not appear to present a problem as the home occupation would still only be permitted in single family and two family dwellings.

Attached, for your review, is the proposed amendment to the zoning ordinance which would permit home occupation permits for single family and two family homes in the R-3 zone. You will note that the proposed ordinance also contains a provision which amends the definition of home occupations by the adding of restrictions. As the Zoning Ordinance contains restrictions pertaining to home occupations in two separate sections the proposed amendment to the definition only makes the two separate sections consistent with each other and does not add new standards or restrictions to the home occupation process. The Planning Commission is working on amending the entire home occupation process.

I have also attached the current language within the city zoning ordinance regarding permitted uses in the R-3 zone. Please note that single family homes are only permitted in R-3 zones when part of a planned residential development (PRD).

Recommendation:

The Planning Commission recommended that the City Council approve an amendment to the zoning ordinance which would permit home occupations in single family and two family dwellings in the R-3 medium density zoning district. It is further recommended that a second reading/public hearing be scheduled for the August 4, 1986 City Council meeting.

jt

ORDINANCE NO. \_\_\_\_\_, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 10.13, SUBD 2 ALLOWING HOME OCCUPATIONS AS A PERMITTED USE IN THE R-3 MEDIUM DENSITY RESIDENCE ZONE AND AMENDING SECTION 10.02, SUBD 11 BY ADDING RESTRICTIONS TO THE DEFINITION OF HOME OCCUPATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

- A. Section 10.13, Subd. 2 of the Hastings City Code shall be amended to add the following:

Subsection E - Customary Home Occupations but allowed only in single family detached homes and two family dwellings and in accordance with Section 10.02, Subd. 11.

- B. Section 10.02, Subd. 11 of the Hastings City Code shall be amended to add the following sentences:

No mechanical or electrical equipment is to be used if the operation of such equipment interferes with the residential environment of the neighborhood. Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted Home Occupation.

VIOLATION A MISDEMEANOR. Every person violates a Section, Subdivision, Paragraph or Provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

Adopted by the City Council of the City of Hastings this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

This ordinance shall be effective upon passage and seven days after publication.

BY: \_\_\_\_\_  
LuAnn Stoffel, Mayor

ATTEST:

\_\_\_\_\_  
Gary E. Brown, City Administrator/Clerk

BE IT ORDAINED, by the City Council of the City of Hastings as follows:

**SEC. 10.13. R-3 MEDIUM-DENSITY RESIDENCE.**

Subd. 1. Intent. The intent of this Chapter in establishing a moderate high density residential district is in recognition of the growing demand for rental housing in Hastings and of the desire to provide for Townhouse Quadrimum, and 4plex housing upon fairly sizeable tracts of land, thereby allowing increased "design flexibility" and a more compatible land use development pattern.

Subd. 2. Uses Permitted.

A. Townhomes, Townhouses, Quadrimum, 4-plex, and single family dwelling, when part of a PRD. Applicant must make application required by Subdivision 6 of Section 10.07.

Source: Ordinance No. 149, Second Series (Subd. 2A)  
Effective Date: January 19, 1984

B. Nursing homes, retirement homes, dormitories, public and parochial schools and churches, fire stations, professional offices, day care center, old age home, library, gift or craft shop and similar uses of a public service nature.

Source: Zoning Ordinance  
Effective Date: 12-31-70

C. Duplexes (two-family dwellings).

D. Customary accessory uses incidental to the foregoing principal uses such as private garages, identifying signs, and recreational facilities.

Source: Ordinance No. 62, Second Series  
Effective Date: 6-20-77

Subd. 3. Uses by Special Permit. None.

**SEC. 10.14. R-4 MEDIUM DENSITY RESIDENCE.**

Subd. 1. Intent. The intent of this Chapter in establishing a medium density residence district is in recognition of the growing demand for rental housing in Hastings and of the desire to encourage high quality apartment developments less than three stories in height in strategic locations within the City.

Subd. 2. Uses Permitted. Same as permitted in the R-3.

Source: Zoning Ordinance  
Effective Date: 12-31-70

Subd. 3. Uses By Special Use Permit. None.

VIAS

MEMO

Date: July 17, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Review of Proposed Construction/exterior facing for buildings in the Industrial Park at 31st & Millard - Order Public Hearing for Special Use Permit - I.B.I., Inc.

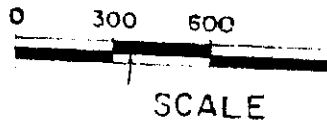
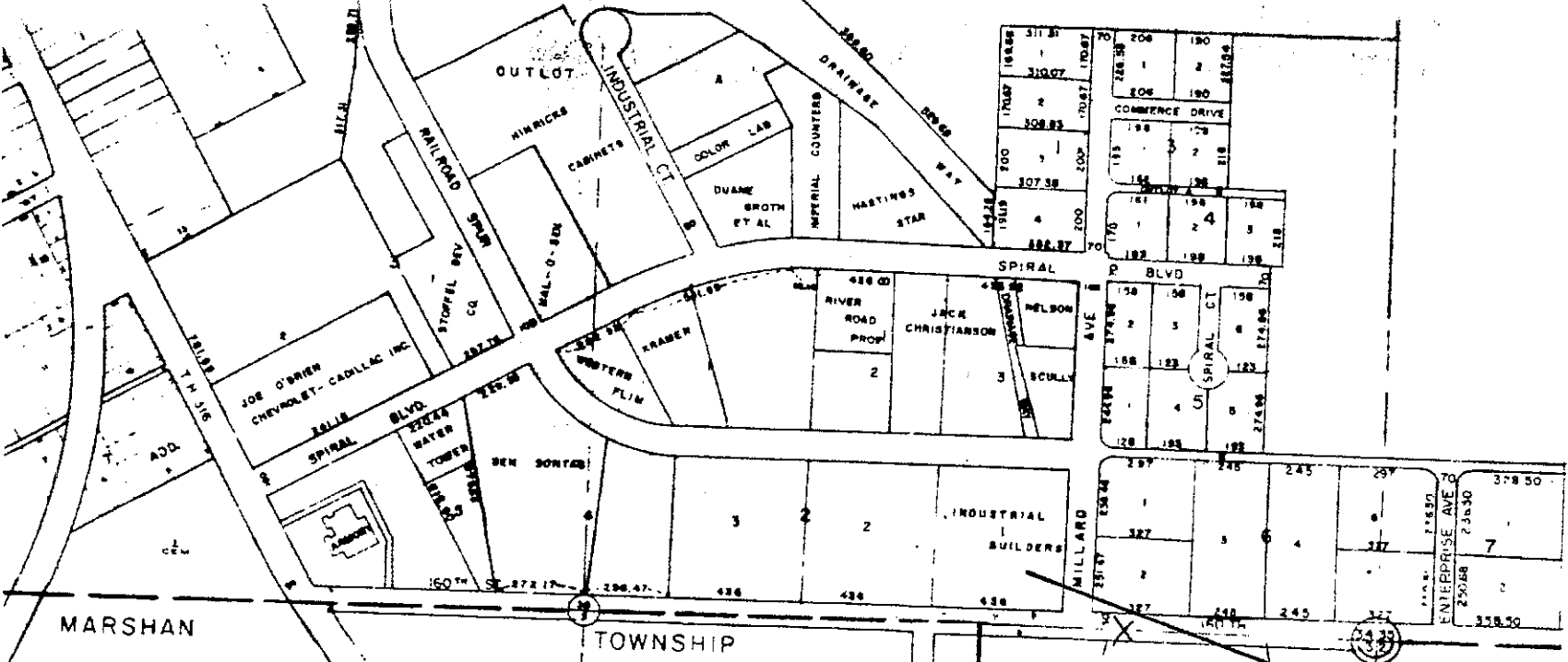
I.B.I., Inc. proposes to construct over a period of time four buildings, each around 12-13,000 sq.ft., in the Industrial Park at the northwest corner of Millard Avenue and 31st Street (see attached site plan). At the present time IBI intends on constructing building number one, as illustrated on the site plan, and lease the space to three businesses - Ken & Daves Auto Repair, Micro Display Systems, and Judge Electric.

Pursuant to Section 10.07, Subd. 7f1 prefinished metal panel wall construction may be used alone in the Industrial Park subject to the approval of the City Council. I.B.I. proposes to use prefinished metal panel walls for building number one as well as the remaining three buildings to be constructed at a later date. To dress up the buildings IBI proposes to provide a painted treatment to the panels and provide plantings along the buildings. Staff has reviewed the proposed construction, panel treatments, etc. and feels the design should be adequate (a color illustration of the proposed design will be available at the Council meeting). Please note that through a previous action by the City Council staff has been authorized to approve all site plans within the Industrial Park unless, for example, a variance is necessary.

On a related matter the location of the Ken & Daves Auto Repair shop requires a special use permit by the city zoning ordinance. It is requested that the City Council order a public hearing be scheduled for the Councils August 4, 1986 meeting.

jt





MARSHAN

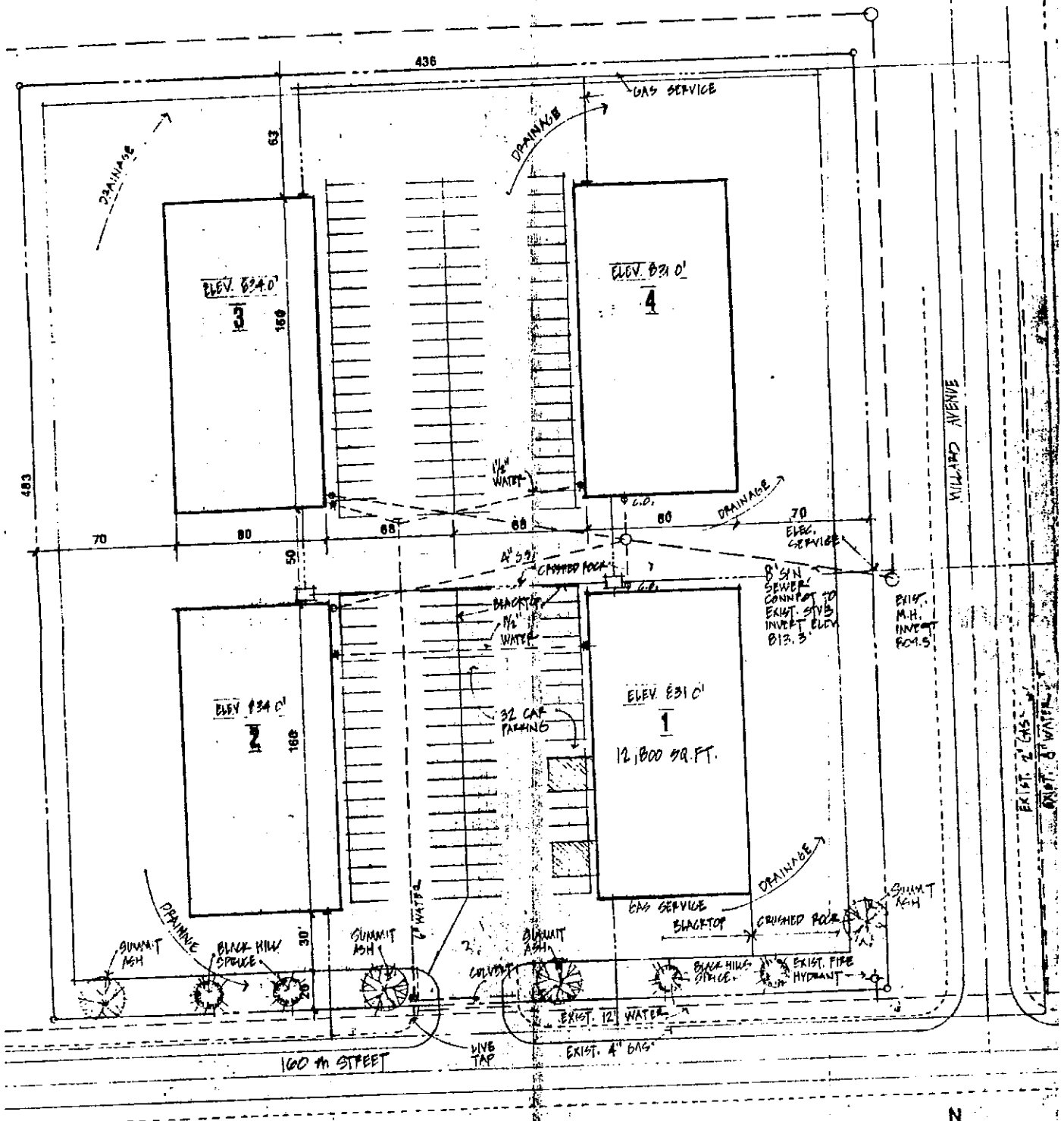
MARSHAN TOWNSHIP

Three Rivers Mobile Home Park

SUBJECT PROPERTY

MALCOLM AVE

T.H. 316



# Site Plan

1" = 50'-0"



JUNE 19, 80  
 E. 1987 JUNE 30, 81  
 REVISED MAY 8, 81

4/12

PRE FINISHED  
 SHEET METAL

12" CELLULOSE

VIA6

MEMO

Date: July 17, 1986

To: Mayor & City Council

From: Tom Harmening, City Planner

Re: Request for vacation of drainage and utility easements contained within the Dakota Hills 6th Addition as platted by the Dakota Hills 5th Addition - Hastings Construction/affected property owners

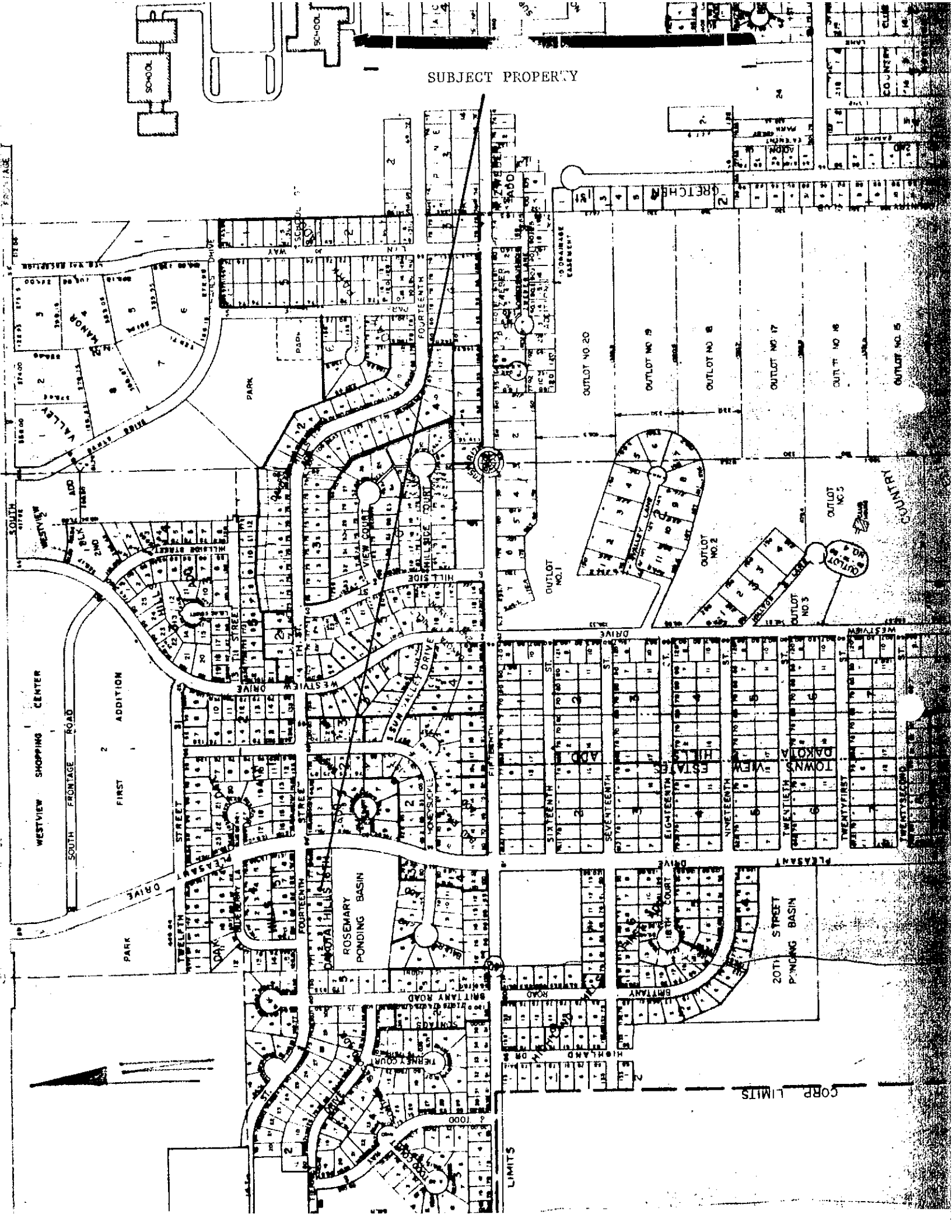
In 1978 the City approved a plat named the Dakota Hills 5th Addition which was located along 14th St. just west of Pleasant Drive. As a part of this plat drainage and utility easements were platted and dedicated to the public along all lot lines. In 1980, due in part to the Rosemary Ponding Basin project, the Dakota Hills 5th Addition Plat was replatted as the Dakota Hills 6th Addition. During the replatting process the originally dedicated drainage and utility easements should have been formally vacated but in actuality were not. Recently, during an apparent financing or refinancing of a home in what is now called the Dakota Hills 6th Addition plat, a title company raised an objection due to the location of a previously dedicated and unvacated drainage and utility easement which passed through the home located on a now existing lot. Attached, for your review, is a copy of the Dakota Hills 6th Addition Plat which illustrates (shaded areas) the location of the preexisting and unvacated drainage and utility easements. You will note that some of the easements pass through the middle of the lots in the plat.

Due to the current situation Hastings Construction, the original developer, and the current property owners of the affected lots have formally requested that the necessary steps be taken to vacate the utility and drainage easements (see attached letters).

If the Council deems it appropriate it should consider ordering the required public hearing on this matter to be held August 4, 1986 at 7:30 p.m.

jt

SUBJECT PROPERTY



WESTVIEW SHOPPING CENTER  
SOUTH FRONTAGE ROAD  
FIRST ADDITION  
PARK

ROSEMARY PONDING BASIN

CORP. LIMITS

LIMITS

SCHOOL

SCHOOL

COUNTRY CLUB

OUTLOT NO. 20

OUTLOT NO. 19

OUTLOT NO. 8

OUTLOT NO. 17

OUTLOT NO. 16

OUTLOT NO. 5

OUTLOT NO. 1

OUTLOT NO. 2

OUTLOT NO. 3

OUTLOT NO. 4

COUNTRY CLUB

VALLEY MANOR  
SOUTH DRIVE  
WESTVIEW  
HILLTOP  
VIEW COURT  
MILLSIDE COURT  
SUNVALEY DRIVE  
DORSET DRIVE  
SIXTEENTH ST.  
SEVENTEENTH ST.  
EIGHTEENTH ST.  
NINETEENTH ST.  
TWENTY-FIFTH ST.

WESTVIEW  
HILLTOP  
VIEW COURT  
MILLSIDE COURT  
SUNVALEY DRIVE  
DORSET DRIVE  
SIXTEENTH ST.  
SEVENTEENTH ST.  
EIGHTEENTH ST.  
NINETEENTH ST.  
TWENTY-FIFTH ST.

WESTVIEW  
HILLTOP  
VIEW COURT  
MILLSIDE COURT  
SUNVALEY DRIVE  
DORSET DRIVE  
SIXTEENTH ST.  
SEVENTEENTH ST.  
EIGHTEENTH ST.  
NINETEENTH ST.  
TWENTY-FIFTH ST.

WESTVIEW  
HILLTOP  
VIEW COURT  
MILLSIDE COURT  
SUNVALEY DRIVE  
DORSET DRIVE  
SIXTEENTH ST.  
SEVENTEENTH ST.  
EIGHTEENTH ST.  
NINETEENTH ST.  
TWENTY-FIFTH ST.

# DAKOTA HILLS SIXTH

HILLS BLUEBERRY LANE

66

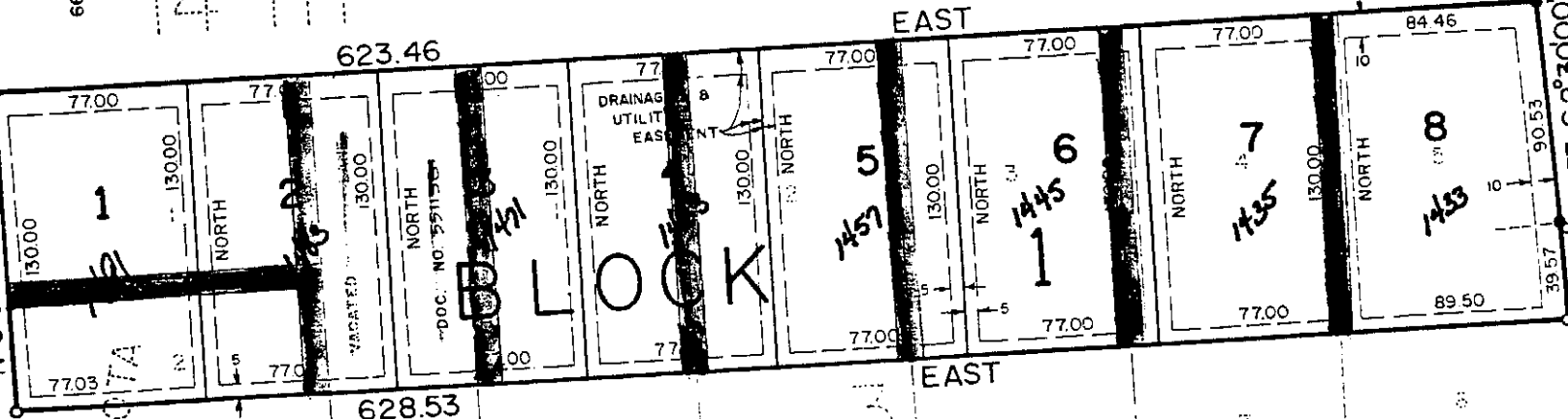
14TH

STREET

EAST

623.46

SONTAG'S SECOND ADDITION  
N 0°00'40" E 130.00



DAKOTA

628.53  
60  
SEMARY LANE

EAST

FIFTH

90.53 S 2°30'00" E

39.57  
Δ=1°50'19"

R=1233.24

PIEASANT DRIVE

80

1304 VERMILLION STREET  
HASTINGS, MINNESOTA 55033  
PHONE (612) 437-3010



# Hastings Construction Co.

July 7, 1986

Mr. Thomas K. Harmening  
City Engineer Office  
City of Hastings  
100 Sibley Street  
Hastings, Mn. 55033

Dear Mr. Harmening,

Enclosed please find requests signed by all fee owners or contract purchasers of all lots contained in Dakota Hills Sixth Addition, for the purpose of vacating the drainage and utility easements that still remain of record from when the property was part of Dakota Hills Fifth Addition.

Also enclosed is a check in the amount of \$100.00 to cover the cost of vacating said easements.

If there is anything further you require, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Ann Schultz".

Mary Ann Schultz  
HASTINGS CONSTRUCTION CO., INC.

CC: Mr. Chad Lemmons  
Metro Title Co.  
105 Mears Park Place  
405 Sibley Street  
St. Paul, Mn. 55101

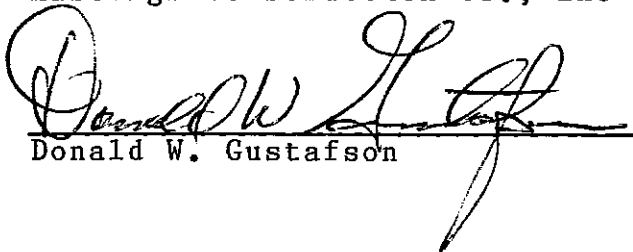
June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

Dear Council Members,

The following party /parties hereby request the City of Hastings to vacate the drainage and utility easements that exist now throughout Dakota Hills Sixth Addition, Lots 1 thru 8, Block 1, that were originally drainage and utility easements on the property when the property was contained in Dakota Hills Fifth Addition, before replatted to become Dakota Hills Sixth Addition and the remainder the Rosemary Ponding Basin.

Hastings Construction Co., Inc

A handwritten signature in cursive script, appearing to read "Donald W. Gustafson", is written over a horizontal line. The signature is written in dark ink and is somewhat stylized.

Fee Owner

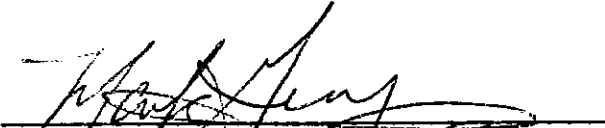
Donald W. Gustafson

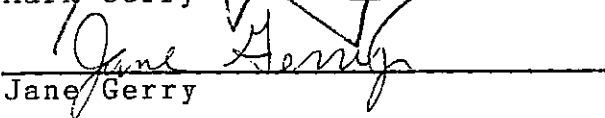
June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

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\_\_\_\_\_  
Mark Gerry Fee Owner

  
\_\_\_\_\_  
Jane Gerry Fee Owner



June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

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Ralph Wochnick Fee Owner  
Ralph Wochnick

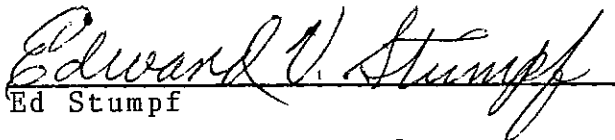
Mary Wochnick Fee Owner  
Mary Wochnick

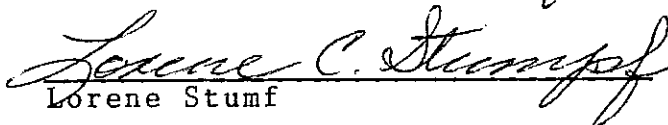
June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

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Ed Stumpf Fee Owner

  
Lorene Stumpf Fee Owner

June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

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Ron Otto

Contract Purchaser

June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

Dear Council Members,

The following party /parties hereby request the City of Hastings to vacate the drainage and utility easements that exist now throughout Dakota Hills Sixth Addition, Lots 1 thru 8, Block 1, that were originally drainage and utility easements on the property when the property was contained in Dakota Hills Fifth Addition, before replatted to become Dakota Hills Sixth Addition and the remainder the Rosemary Ponding Basin.

Brad Northrup Fee Owner  
Bradley Northrup

Maureen Northrup Fee Owner  
Maureen Northrup

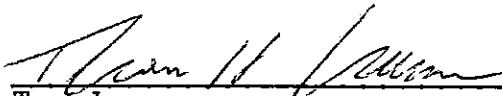
6-28-86

June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033


Dear Council Members,

The following party /parties hereby request the City of Hastings to vacate the drainage and utility easements that exist now throughout Dakota Hills Sixth Addition, Lots 1 thru 8, Block 1, that were originally drainage and utility easements on the property when the property was contained in Dakota Hills Fifth Addition, before replatted to become Dakota Hills Sixth Addition and the remainder the Rosemary Ponding Basin.

  
\_\_\_\_\_

Fee Owner

Tom Lawrence

  
\_\_\_\_\_

Fee Owner

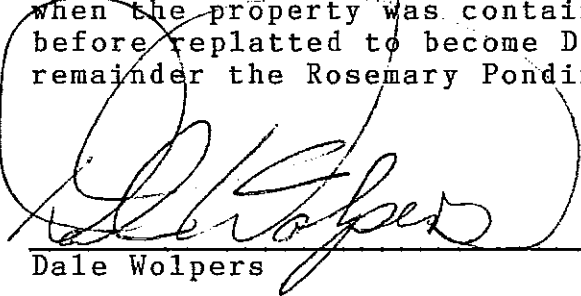
Deb Lawrence

June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

Dear Council Members,

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\_\_\_\_\_  
Dale Wolpers


Contract Purchaser


June 16, 1986

Hastings City Council  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

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\_\_\_\_\_  
Thomas Graham      Fee Owner

  
\_\_\_\_\_  
Kathy Graham      Fee Owner

VI-B-1

ORDINANCE NO. , SECOND SERIES

An Ordinance of the City of Hastings amending Chapter 2, Section 242, Subdivision 2, of the City Code having to do with the composition of the Natural Resource and Recreation Commission;

Be it ordained, by the City Council of the City of Hastings as follows:

Section 2.12 Natural Resource and Recreation Commission.

SUBD. 2. COMPOSITION. The Commission shall consist of seven (7) members, all of whom shall be non-Council persons. They shall be elected as follows: When a vacancy occurs or is about to occur, applications shall be requested from the residents of the City. All applications shall be submitted to the Natural Resources and Recreation Commission for review and recommendation. The majority choice of this Commission shall be presented to the Council for approval. A member or members of this Commission may present a minority choice to the Council for consideration & approval. If the Council by a majority of its total membership is unable to agree upon a person to fill the vacancy, the matter shall be referred back to the Commission for a different recommendation. This process shall continue until the vacancy or vacancies are filled.

Adopted by the City Council of the City of Hastings this \_\_\_ day of \_\_\_, 1986.

This Ordinance shall be effective upon passage seven (7) days after publication.

ATTEST

Lu Ann Stoffel, Mayor

Gary E. Brown, City Administrator/Clerk



MEMO

To: Mayor & Council  
 From: Dianne Latuff *J. Latuff*  
 Date: July 17, 1986  
 Subject: Huberty Memorial Race

The city has received a request from the Huberty family to once again authorize the use of city streets to run the Terry Huberty Memorial Race on August 9, 1986.

The staff involvement would be very similar to years passed. The Police would be requested to control traffic and the Street Department would put up various barricades.

jt

VI-B-3

Changes made by  
Charter Commission  
at meeting of 5-8-86  
hand written in

May 7, 1986

Housekeeping Item  
for Council agenda

Mr. Gary Brown  
City Clerk  
City of Hastings  
100 Sibley Street  
Hastings, Minnesota 55033

Dear Gary:

As chairman of the Charter Commission for the City of Hastings, I am hereby submitting to you, in your capacity as City Clerk, a set of proposed City Charter technical amendments for consideration by the Hastings City Council. These proposed Charter amendments were approved by a majority of the Hastings City Charter Commission at its April 3, 1986, meeting.

In evaluating the current City Charter, the Hastings Charter Commission found that the Charter contained a good deal of antiquated and sexist language. The technical amendments we are suggesting would remedy this situation. For example, existing references to "councilmen" would be deleted and members of the City Council would be titled "councilpersons" to reflect the representation of men and women on the Hastings City Council.

We are also submitting three proposed Charter amendments which the Hastings City Attorney asked we consider.

Under section 3.05 of the Charter relating to the duties of the Mayor in general, we recommend that additional language be added to provide that the City may make disbursements of funds by an electronic funds transfer when authorized by the Mayor, or in the Mayor's absence the acting Mayor, and the City Administrator or City Clerk duly authorized by the Council. This proposed Charter amendment would conform the Charter language to section 2.61 of the Hastings City Code.

We are proposing that section 4.01 of the existing City Charter be amended to provide that in the event a regular meeting of the City Council follows a holiday, the meeting shall be held on a day as close as possible to the regular scheduled meeting date.


Mr. Gary Brown  
Page Two  
May 7, 1986

In order to clarify an ambiguous situation in the current charter, we are recommending that section 4.04 of the City Charter be amended to expressly provide that the requirement that an ordinance or amendment to an ordinance be favorably voted upon by the Council three times does not require three consecutive votes.

It is our recommendation that these proposed Charter amendments be adopted pursuant to the provisions of Minnesota Statute Section 410.12, subdivision 7, which requires a unanimous vote of the Hastings City Council for approval.

If you have any questions or comments relating to these proposed City Charter amendments, please call me.

Very truly yours,



Chuck Caturia

CC:rml  
Enclosure

cc: Shawn Moynihan

May 15, 1986

TO: MAYOR AND COUNCIL

FROM: BARB THOMPSON *Barb*

REGARDING: CHARTER SECTION 3:05 DUTIES OF THE MAYOR IN GENERAL

The line is added to provide disbursement of funds by an electronic funds transfer. This is especially useful in the investing of funds out of town, which can then be done in a matter of a few hours.

The Ordinance was amended in December 1984 under Section 2.61 DISBURSEMENT OF FUNDS AND ALLOWANCE OF ACCOUNTS. This will now bring the Charter up to date.

SECTION 3.05. DUTIES OF THE MAYOR IN GENERAL. The Mayor shall be the presiding officer of the City Council. He shall exercise all powers and perform all duties conferred and imposed upon ~~him~~ by this Charter, by City Ordinances, and by laws of the State of Minnesota and the United States of America. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law. The Mayor shall have no vote, except in the case of a tie in which case he may vote, and shall not be required to do so. The Mayor shall sign all warrants and orders drawn upon the City Treasurer as well as all bonds, obligations and contracts on behalf of the City, unless otherwise provided for in this Charter. Provided, however, that the City may make disbursements of funds by an electronic funds transfer when authorized by the Mayor, or in the Mayor's absence the acting Mayor, and the City Administrator or City Clerk duly authorized by the Council. The Mayor shall study the operations of the City Government, shall report to the council any neglect, ~~dereliction~~ dereliction of duty or waste on the part of any officer or department, and may periodically report to the Council on the status of City operations.

SECTION 4.01. COUNCIL MEETINGS. REGULAR MEETINGS. On the first Monday after the first ~~Tuesday~~ Saturday in January following a regular municipal election, the council shall meet at the Council Chambers in the City Hall at such time as specified by Ordinance for a regular council meeting. At this time the duly elected members of the council shall assume their duties. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution except that they shall have at least two regular meetings each month. Provided that if any regular meeting shall fall on a holiday or if it appears that a quorum of the Council will not be able to be present for a scheduled meeting, the meeting shall be held on a day as close as possible to the regular scheduled meeting date.

SECTION 4.04. ORDINANCES (NON-EMERGENCY). Every legislative act of the Council shall be by ordinance. Prior to the first vote on an ordinance or on an amendment to an ordinance, the proposed ordinance or amendment shall be submitted to the City Clerk in writing for distribution to the Mayor and City Council.

Every ordinance or amendment to an ordinance shall be first voted upon at a regular Council meeting; the second vote on said ordinance or amendment shall be at a subsequent regular or adjourned meeting which shall occur not less than one week after the first vote; the third vote on said ordinance or amendment shall be held and the ordinance may be passed only at a regular or adjourned meeting occurring at least one week after the meeting at which the second vote occurred. No ordinance or amendment to an ordinance shall be passed until it has been favorably voted upon by the Council three times as herein provided. The requirement that an ordinance or amendment to an ordinance be favorably voted upon by the Council three times does not require three consecutive favorable votes. An ordinance or amendment to an ordinance shall not be amended so as to change its intent after it has been voted upon twice. Any proposed ordinance or proposed amendment to an ordinance which has not passed its third vote within four months after its first favorable vote shall be considered void, and before said proposed ordinance or proposed amendment may be considered passed, there shall occur three affirmative votes thereon within a four month period. Ordinances and amendments to ordinances shall require the affirmative vote of a majority of the entire Council to pass each vote (unless a greater percentage is required by this Charter, by State Statute, or by the subject ordinance itself, in which case each vote shall be passed by the designated percentage).

Every ordinance or amendment to an ordinance shall be published or a notice of the passage of said ordinance must be published before the ordinance or amendment takes effect. Publication of the entire ordinance in a newspaper of general circulation in the City shall constitute publication for this purpose. Publication may also be accomplished by publishing in a newspaper of general circulation in the City, for at least two successive weeks, a notice that the ordinance has been passed which notice shall specify in a general manner the subject matter of the ordinance and shall further state that copies of the ordinance are available at the office of the City Clerk. Publication of a codification of ordinances may be accomplished pursuant to Minnesota Statutes Annotated 415.021. Every ordinance passed under this paragraph shall take effect seven (7) days after publication or at such later date as is fixed therein.

SECTION 1.03. WARD BOUNDARIES. The City is, and shall be divided into four (4) wards. The boundaries of said wards shall be as follows, until changed pursuant to this charter, or by operation of law:

WARD 1:

Ward 1 shall consist of the area within the city limits lying east of a line beginning at the intersection of the north boundary of the city in Denmark Township, Washington County, and the Washington - Dakota County line on the Mississippi River, proceeding downstream to Trunk Highway 61; then south along Trunk Highway 61 to Trunk Highway 55; then west along Trunk Highway 55 to 11th Street; then west along 11th Street to Ashland Street; then south along Ashland Street to County Highway 47, together with the area within the city limits lying south of County Highway 47.

WARD 2:

Ward 2 shall consist of the area within the city limits lying west of the Washington - Dakota County boundary on the Mississippi River, proceeding downstream to Trunk Highway 61, and lying west of Trunk Highway 61 from the County boundary to Trunk Highway 55; and lying north of a line ~~from~~ along Trunk Highway 55 from Trunk Highway 61 to Walnut Street; then proceeding south on Walnut Street to 10th Street; then proceeding west on 10th Street to Pine Street; then proceeding north on Pine Street to Trunk Highway 55; then proceeding west on Trunk Highway 55 to the west boundary of the city limits.

WARD 3:

Ward 3 shall be bounded on the north by the south boundary line of Ward 2 described above; on the west by the west boundary of the city limits; on the south by a line along 15th Street from the west city limits to Pine Street; then proceeding south on Pine Street to 18th Street; then proceeding east along 18th Street to Ashland Street; on the east by Ashland Street from 18th Street to 11th Street; then east to Trunk Highway 55.

WARD 4:

Ward 4 shall be bounded on the north by the south boundary of Ward 3 described above; on the west by the west boundary of the city limits between 15th Street and County Highway 47; on the south by County Highway 47 to Ashland Street; on the east by Ashland Street from Highway 47 to 18th Street.

(Council meeting of May 7, 1984).

In the event any territory shall be annexed to the City, it shall become part of the adjoining ward.



The Charter Commission of the City of Hastings shall be responsible for adjusting ward boundaries when necessary to provide equal representation as required by the Federal and Minnesota constitutions, within three months after official announcement of the results of a decennial census, and at such other times as the commission shall determine whether existing ward boundaries provide equal representation. If not, the commission shall adjust ward boundaries so that each ward contains, as nearly as possible, an equal number of qualified residents. The commission shall file with the City Council a report designating the new ward boundaries, which report designating boundaries shall be read at the next regular council meeting and recorded in the minutes of the council. The ward boundary change shall be effective thirty days after said reading, except that no adjustment shall apply to any city election if adopted after the first date for filing for such election. If adopted after the first date of filing for an election, then the ward boundary change shall become effective on the 1st day of the first month after the month in which the general or special election is held. All ~~councilmen~~ Councilpersons may serve out the terms for which they were elected, notwithstanding changes in ward boundaries.

Where streets form the boundary lines of wards, the boundary shall be the center of said streets. Renaming of streets shall not ~~effect~~ affect boundary lines, as it is the intent of this charter that the boundary lines are the center of the street as now located, and said boundary lines shall not be affected by renaming or relocating of said street.

SECTION 2.02. REGULAR MUNICIPAL ELECTIONS. A regular municipal election will be held on the first Tuesday after the first Monday in November of each even numbered year. The City Clerk shall give at least two weeks notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in a newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election.

SECTION 2.03. SPECIAL ELECTIONS. The Council may by resolution order a special election and provide all means for holding it. The City Clerk shall give at least two weeks notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in a newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election. The procedure at such special election shall conform as nearly as possible to that prescribed for regular municipal elections.

SECTION 2.04. PRIMARY ELECTIONS. On the Second Tuesday in September preceding any general City election or on the third Tuesday preceding any special election held for the purpose of election of City officials, an election of nominees hereinafter

designated as the "primary election" shall be held in each voting precinct for the selection of candidates for all elective offices within the City of Hastings to be filled at such ensuing election. A primary election shall only be called in the event that three (3) or more qualified persons have filed for any one office. The City Clerk shall cause to be published in a newspaper of general circulation, at least once, a notice of the primary election which shall state the time and place of holding such election and of the officers to be elected at said election. At said primary election there shall be nominated by the qualified electors of the City, two candidates for each office to be filled within the City at the next ensuing general or special election.

SECTION 2.05 PETITIONS FOR ELECTION. At least thirty days before a primary election, any person eligible and desirous of having his or her name placed upon the primary ballot as a candidate for any office to be voted on at said primary election, shall file or cause to be filed with the City Clerk of the City of Hastings a petition on a form prepared and provided by the City and signed by at least fifteen qualified voters of the City of Hastings, which petition shall state the name and address and residence of such person, the office for which he or she desires to be a candidate, that he or she is a qualified voter in the City of Hastings, and a statement that he or she desires to seek said office. If the office sought is that of Mayor, the petitioners may reside anywhere in the City of Hastings: if the office is that of a ~~councilman~~ councilperson, the person nominated shall reside in the Ward from which he or she seeks election, and the ~~signators~~ signers of his or her petition must also be residents of the same ward. On or appended to each petition, or to each page thereof if said petition consists of more than one page, there shall be an affidavit of the circulator thereof stating that each signature thereon was made in his or her presence and is the genuine signature of the person whose name it purports to be.

It shall be the duty of the City Clerk thereafter to provide a sufficient number of primary ballots for each voting precinct, such ballots to have printed thereon the names of all persons by or on behalf of whom petitions have been filed as hereinabove provided, together with the designation of the office for which the nomination is sought. When more than ~~one name is~~ two names are presented for nomination for the said office, such names shall be placed on the primary ballot ~~in alphabetical order,~~ according to state law. During the week preceding such primary election the Clerk shall cause a sample ballot to be published in all newspapers of general circulation in the City, provided, however, failure to publish said sample ballot shall not invalidate the election.

The two persons having the highest number of votes for any elective office shall be notified of the fact by the Clerk and

shall be the candidates for such office at the ensuing general election unless within two days after notification they, either or any of them, file with the Clerk a refusal to be a candidate in which event the person or persons having the next highest vote shall be notified by the Clerk and this process shall be continued until two candidates are secured or the list of all those voted for in the primary election shall be exhausted, and the person or persons so finally determined by this process to be the ~~candidates~~ or candidates shall be entitled to have ~~his~~ or their names placed upon the official ballot used in the ensuing election. In case of a tie vote, the nomination shall be determined by the casting of lots in the presence of the Clerk at such time and place and in such manner as ~~he~~ the Clerk may direct.

SECTION 2.06. CANVASS OF ELECTIONS. The Council shall meet and canvass the election returns of any primary, special, or general election within ~~five~~ two days after the holding thereof and shall make full declaration of the results as soon as possible and file a statement thereof with the City Clerk. This statement shall include:

- (A) A total number of good ballots cast for each candidate with an indication of those who were either nominated or elected, as the case may be;
- (B) A true copy of the ballots used in the election;
- (C) The names of the judges and clerks of said election;
- (D) Such other information as may be pertinent.

The City clerk shall forthwith inform all persons elected of ~~the~~ their election.

SECTION 3.01. FORM OF GOVERNMENT. The form of Government established by this charter shall be known as the "Mayor-Council Plan." All legislative powers, all policy making powers, all executive powers and all administrative powers of the City of Hastings shall vest in and be exercised by the City Council; provided, however, the City Council may, by ordinance, delegate to an appointed city employee or employees, all or a portion of the administrative functions and powers (except the authority to hire and discharge city employees which may not be delegated.) Any city employee to whom administrative powers are delegated shall however be responsible to the City Council in all respects and shall be governed by the terms of the ordinance by which administrative powers were delegated to him or her. Further, the City Council may by ordinance create such departments, divisions and bureaus for the administration of the City's affairs as it deems necessary for efficient and responsive government, and from time to time may alter the powers and organization of the same.

BOARDS AND COMMISSIONS. The City Council may establish commissions or boards to advise the Council with respect to any municipal function or activity, or to investigate any subject of interests to the City or to perform quasi-judicial functions. The boards or commissions so created shall be created by the City Council by ordinance, and any board or commission so created may be terminated by the City Council except those boards or commissions that are specifically created by or pursuant to State or Federal Statutes, in which case said board or commission may be terminated in accordance with the applicable State or Federal statute.

SECTION 3.02. ELECTIVE OFFICERS. The elective officers of the City are and shall continue to be a Mayor, and two members of the Council from each Ward of the City who shall be known as ~~councilmen~~ Councilpersons. All of said elective officers shall be qualified electors and residents in and of the City of Hastings, and in the case of ~~Councilmen~~ Councilpersons, residents of the Ward from which they are elected. Candidates for Council shall be residents of the Ward from which they seek office for at least thirty (30) days prior to the primary election. The Mayor shall serve for a period of two years and until ~~his~~ the Mayor's successor is duly elected and qualified. ~~Councilmen~~ Councilpersons shall serve for a term of four (4) years and until their successors are duly elected and qualified. The term of all elected officers shall begin on the first Monday after the first Saturday in January following a regular Municipal election. The City Council shall be the judge of the election of the Mayor and the ~~Councilmen~~ Councilpersons.

SECTION 3.03. VACANCIES IN THE OFFICES OF ~~COUNCILMEN~~ COUNCILPERSONS OR MAYOR. A vacancy in the office of ~~Councilmen~~ Councilperson or Mayor shall be deemed to exist when a person elected thereto shall fail to qualify on or before the date of the second regular meeting of the council after the beginning of ~~his~~ his or her term, or by reason of the death, resignation, removal from office, removal from the City, or in the case of a ~~councilman~~ Councilperson, removal from the ward from which elected, continuous absence from the City for more than three months, or conviction of a felony after ~~his~~ his or her qualification, or by reason of failure of any person so elected to perform ~~his~~ his or her duties for a period of three months. The Council shall by resolution determine when a vacancy occurs in the office of Mayor or ~~Councilmen~~ Councilperson. When a vacancy occurs in the City Council, the City Council shall forthwith appoint an eligible person to fill the same until the next regular Municipal election, when the office shall be filled by election for the unexpired term.

When a vacancy occurs in the office of Mayor, the Council, by a majority of its complete membership, shall select one of the members of the Council to become Mayor for the balance of the unexpired term. The ~~councilman~~ Councilperson so selected may

decline the appointment. Upon the selection of a ~~councilman~~ Councilperson to become Mayor and upon his or her acceptance of the position of Mayor, the Council shall forthwith name a qualified citizen to fill the vacancy in the Council created by the appointment of the ~~councilman~~ Councilperson to the position of Mayor. The new ~~councilman~~ Councilperson shall serve for the balance of the unexpired term of the ~~councilman~~ Councilperson ~~whom he~~ replaced. If the Council is not able to select a Mayor, the Council shall call a special election for the purpose of filling the position of Mayor for the balance of the unexpired term.

SECTION 3.04. ACTING MAYOR. At the first regular Council meeting of the year, and at such other time as it deems appropriate, the Council shall by a majority vote of its entire membership elect one of its members to serve as acting Mayor. The acting Mayor shall serve as Mayor in case of the Mayor's disability or absence from the City, except that the acting Mayor shall not have the right to veto ordinances or vote as Mayor to break a tie. The ~~councilman~~ Councilperson acting as Mayor during the absence or disability of the Mayor shall continue his or her right to vote as a ~~councilman~~ Councilperson.

SECTION 3.05. DUTIES OF THE MAYOR IN GENERAL. The Mayor shall be the presiding officer of the City Council. ~~He~~ The Mayor shall exercise all powers and perform all duties conferred and imposed upon ~~him~~ the Mayor by this Charter, by City Ordinances, and by laws of the State of Minnesota, and the United States of America. ~~He~~ The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law. The Mayor shall have no vote, except in the case of a tie in which case he or she may vote, and shall not be required to do so. The Mayor shall sign all warrants and orders drawn upon the behalf of the City Treasurer as well as all bonds, obligations, and contracts on behalf of the City, unless otherwise provided for in this Charter. The Mayor shall study the operations of the City Government, shall report to the council any neglect, ~~dereliction~~ dereliction of duty or waste on the part of any officer or department, and may periodically report to the Council on the status of City operations.

SECTION 3.06. MAYOR - POLICE DEPARTMENT. The Mayor shall be the Chief Executive Officer of the City of Hastings Police Department. The Police Department shall consist of a Chief of Police and such other number and rank of police personnel as may be authorized and budgeted for by the City Council with the consent of the Mayor. The Mayor shall be the Appointing Authority for purposes of appointment and promotion under Civil Service Rules. The Mayor may, but is not required to, appoint or promote persons to vacancies existing in the Police Department, but any person so appointed or promoted shall be a person certified as

qualified by the Police Civil Service Commission of the City of Hastings. Upon appointment or promotion to fill a vacancy in the department, the City Council shall authorized compensation to said person. The Police Civil Service Commission of the City of Hastings shall function in accordance with State statute. The Mayor may, in his or her discretion appoint citizens, including ~~councilmen,~~ Councilpersons, to a committee to advise ~~him~~ the Mayor in police matters, but the authority of said committee shall only be advisory.

SECTION 3.07. MAYOR - VETO POWER. Every ordinance approved by the City Council shall, before it takes effect, be presented to the Mayor for his or her approval. If ~~he~~ the Mayor approves of it, he or she shall sign the ordinance. If ~~he~~ the Mayor disapproves of it, he or she shall return it to the City Council with his or her objections appended thereto by depositing the ordinance with his or her objections with the City Clerk, to be presented to the City Council for further considerations at its next regular meeting. Upon receipt of said ordinance from the Mayor with his or her objections, the City Clerk shall immediately enter said objections and date of receiving said objections in the minute book of the council. Upon the return to the City Council of any ordinance disapproved by the Mayor, the City Council may reconsider the passage of the ordinance notwithstanding the objections of the Mayor. If upon such reconsideration, the City Council shall reapprove the ordinance by an affirmative vote of three-fourths (3/4) of the entire council, it shall have the same effect as if it was approved by the Mayor. If an ordinance is not signed by the Mayor, and also not deposited by ~~him~~ the Mayor with the City Clerk for referral back to the City Council for reconsideration prior to the next regular meeting of the City Council, this nonaction shall have the same effect as if the ordinance was approved by the Mayor.

SECTION 3.08. MAYOR <sup>AND COUNCILPERSONS</sup> (AND COUNCIL COMPENSATION - MAYOR CONTINGENCY EXPENSE FUND. The Mayor shall receive such compensation as established in accordance with the Minnesota Statutes, ~~in such case made and provided.~~ In addition, the Mayor shall also have placed at his or her disposal, a contingency expense fund in an amount to be established by the City Council by resolution. The Council may increase the Mayor's compensation but any increase so determined shall not be effective) until after the next succeeding General Municipal election. Any (increase shall be accomplished by ordinance. OR COUNCILPERSONS'

SECTION 3.09. INTERIM INVESTIGATION, STUDY AND POLICY COMMITTEES. The Council by a majority vote, or the Mayor, shall have the power to make investigations into all City affairs, to subpoena witnesses, to administer oaths, to compel the production of books and papers, and to demand reports from department heads on their respective departments' operations. The Council shall provide for a biennial audit of all funds, books and accounts of the City to be conducted

by the ~~Public Examiner~~ Auditor of the State of Minnesota or by a reliable Certified Public Accountant. In addition, the Council may at any time provide for an examination or audit of the accounts of any officer or department of the City Government.

The Mayor may, ~~at his discretion,~~ appoint Council and/or citizen committees to study specific issues.

SECTION 4.01. COUNCIL MEETINGS. REGULAR MEETINGS. On the first Monday after the first ~~Tuesday~~ Saturday in January following a regular municipal election, the Council shall meet at the Council Chambers in the City Hall at such time as specified by Ordinance for a regular council meeting. At this time the duly elected members of the council shall assume their duties. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution except that they shall have at least two regular meetings each month. All meetings of the Council and its committees and subcommittees shall be open to the public in compliance with the provisions of state law. Use of an effective voice-amplifying or public address system shall be mandatory at all such meetings whenever members of the public are in attendance.

SPECIAL COUNCIL MEETINGS. The Mayor, or any three members of the Council may call a special meeting of the council upon at least 24 hours' advance notice to each member of the council. Such notice shall be delivered personally to each member, or shall be left with a person of suitable age and discretion at the usual place of abode of the member.

EMERGENCY COUNCIL MEETINGS. The Mayor or any three members of the Council may call an emergency meeting of the council upon one hours' notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some person of suitable age and discretion at the usual place of abode of the member. Emergency meetings may be called only to deal with an existing emergency to the public health, safety or welfare of the community or its residents. Only matters relating to said emergency may be considered at said meeting.

SECTION 4.02. APPOINTED OFFICERS. CITY CLERK. The City Council shall appoint a City Clerk who shall hold office under such terms and conditions as the Council may prescribe. ~~He~~ The City Clerk shall serve as Secretary of the City Council and shall keep such records and perform such duties as may be required by this charter, by ordinance or resolution of the City Council, or by State law. The City Clerk may hold any other City office not inconsistent therewith and may be charged with such administrative or managerial duties as the Council shall determine.

CITY ADMINISTRATOR. The City Council may appoint a City Administrator who shall hold office under such terms and con-

ditions as the Council may prescribe. The City Council may charge said City Administrator with administrative or managerial duties and may designate him or her as the person responsible to the council for the proper administration of all affairs relating to the City in which case he or she shall serve as head of the administrative branch of the City government. The City Administrator's duties and responsibilities shall be designated by ordinance adopted by a majority of the entire City Council. The City Administrator may hold any other appointed City office not inconsistent therewith, including the office of City Clerk. The City Council may delegate to the City Administrator all administrative duties and responsibilities (except authority to hire and discharge City Employees which authority shall not be delegated by the City Council, and except for the police department which shall be under the direction of the Mayor as provided in Section 3.06 of this Charter).

CITY ATTORNEY. The City Council shall appoint a City Attorney who shall be an attorney licensed to practice before the highest Court in the State of Minnesota. ~~He~~ The City Attorney shall act as legal advisor to the Mayor and City Council, and to Department Heads, Commission Heads, and Board ~~Chairman~~ Chairpersons, and shall perform all other legal services as directed or authorized by the City Council or the laws of the State.

OTHER APPOINTED OFFICERS AND EMPLOYEES. The City Council shall appoint such other and further officers and personnel as may be required to operate the City efficiently and the City Council shall determine the qualifications thereof and prescribe the duties to be performed by each. The terms of office, compensation and conditions of employment of all appointed officers and employees of the City shall be established by the City Council. All persons so appointed by the City Council shall hold office at the pleasure of the City Council.

SECTION 4.03. RULES OF PROCEDURE AND QUORUM. Unless otherwise ordered and determined by this Charter or by the City Council by ordinance, the rules and order of business of the City Council shall be as prescribed in the latest revision of Robert's Rules of Order. The City Clerk shall keep a journal of the council's proceedings. A majority of all members of the City Council shall constitute a quorum to do business, although a lesser number may adjourn from time to time. The City Council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

SECTION ~~5.03~~ 5.08. COUNCIL ACTION ON BUDGET. The City Council may adopt the budget with or without amendment. In amending the budget it may add or increase programs, or amounts, and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase



the authorized expenditures to an amount greater than the total of estimated income.

The City Council by a majority vote of all of its members, shall adopt the budget on or before the 10th day of October of the fiscal year.

If it fails to adopt the budget by this day, the amount appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts the budget for the ensuing year. The adoption of the budget shall constitute appropriation of the amounts specified therein, as expenditures from the funds indicated, and shall constitute a levy of the property tax therein proposed.

SECTION 5.12. AMENDMENTS AFTER ADOPTION.

- (A) Supplemental appropriations. If during the fiscal year the Budget Official certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the City Council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (B) Reduction of appropriations. If at any time during the fiscal year it appears probable to the Budget Official that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him or her, and his or her recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one or more appropriations.
- (C) Transfer of appropriations. At any time during the fiscal year the Budget Official may transfer part or all of any unencumbered appropriation amounts among programs within a department, office, or agency, and, upon written request by the Budget Official, the City Council may, by resolution, transfer part or all of any unencumbered appropriations balance from one department, office, or agency to another.
- (D) Limitation. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be

appropriated or by more than the amount of the unencumbered balance thereof.

SECTION 5.14. DISBURSEMENT OF FUNDS. Disbursement shall be made pursuant to procedures prescribed by City Ordinance. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Budget Official first certifies that there is a sufficient amount of unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are, or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment, or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by Law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly for the issuance of bonds or by grants or gifts or to prevent the making of any contract or providing for payments beyond the end of the fiscal year, provided that such action is made or approved by resolution.

SECTION 5.16. REPORTS. The Budget Official shall be the chief accounting officer of the City and every branch thereof. He or she shall submit a quarterly statement to the City Council showing the status of all funds, sums spent or chargeable against each of the annual budget allowances and the balances left therein and such other information relative to the finances of the City as the City Council may require on March 1 of each year. The Budget Official shall submit a similar report to the City Council for the entire preceding year.

SECTION 6.01. In addition to the powers otherwise granted by Minnesota Laws and this Charter, the City of Hastings shall have the power to acquire by purchase, gift or devise, and develop, on such terms as the City Council may in its sole discretion from time to time determine, all necessary right, title and interest in and to land, including air rights, and any buildings and equipment thereon, necessary or desirable for the purpose of promoting industry, and providing employment, and in order to promote, attract, encourage and develop economically sound industry and commerce through governmental action for the purpose of preventing so far as possible, the emergence of blight and marginal lands ~~of~~ or chronic unemployment.

SECTION 6.02. The City may pay for the acquisition and development of the property acquired for the purposes and pursuant to the provisions of Section 6.01 above out of such funds as may from time to time be available and appropriated by the City

Council for such purposes, including but not limited to funds acquired through the issuance of general or special obligation bonds. If the acquisition and development of lands acquired pursuant to Section 6.01 is paid for from the proceeds of general obligation bonds, the development of such lands may include provision for utility services, including water, sanitary sewers, storm sewers or other drainage facilities, and transportation, power and communications facilities, which are necessary and incidental to the use of such lands for the foregoing purposes, but except with respect to such facilities may not include provision for the construction of structures or buildings on the premises or the furnishing or equipping thereof.

If acquisition and development are paid for from the proceeds of general obligation bonds, such bonds shall be authorized, issued, sold and accounted for in the manner and upon the terms, conditions and provisions prescribed by Chapter 475 Minnesota Statutes and acts amendatory thereof and supplemental thereto. The general obligations bonds authorized by this section shall not be subject to any limitation contained in this City Charter prescribing or fixing any limit upon the bonded indebtedness of this City.

SECTION 7.04. SALES OF REAL PROPERTY. No real property of the City shall be disposed of unless the Council shall first pass a resolution containing specific findings that the public interest requires that the property be disposed of, and only after public notice & hearing of such proposed disposition. The proceeds of any sale of such property shall be used, as far as possible, to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of this property. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds. Sales of real property owned by the City shall be conducted in commercially reasonable manners.

SECTION 7.08. STATUTES NOT AFFECTED BY CHARTER. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Hastings operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the ~~City of Hastings operating under home rule charters, and not inconsistent with the provisions of this charter,~~ shall apply to the City of Hastings and shall be construed as supplementary to the provisions of this charter.

ORDINANCE NO. \_\_\_\_\_ SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING CITY CODE 2.61 ADDING ADDITIONAL RESTRICTIONS REGARDING THE ELECTRONIC TRANSFER OF FUNDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

SEC. 2.61. Disbursements of Funds and Allowance of Accounts.

All disbursements shall be made by either; a check signed by the Mayor, or in the Mayor's absence the acting Mayor, and the City Administrator or City Clerk duly authorized by the Council; or by an electronic funds transfer authorized by the officials listed above, provided that all electronic transfers are made using special codes (changed periodically to provide maximum security). Every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund, and specifically contain the following language "for deposit to the City of Hastings only". A written confirmation of every electronic funds transfer shall be made no later than one business day after the transaction. No such check shall be issued or electronic funds transfer made until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon such fund. No claim against the City shall be allowed, except as otherwise provided in this Chapter unless accompanied by an itemized account and voucher, payroll or time sheet signed by a responsible officer who has personal knowledge of the facts in the case and certified to the correctness and reasonableness of the claim and that it is a proper claim against the City; provided, however, that the Council may provide for a regular payment without specific individual authorization or filing of an itemized account and voucher, payroll or time sheet of the salaries and wages of regular employees or laborers and any other fixed charges which have been previously duly and regularly authorized. Filing of a separate account verification may be dispensed with by the Council if appropriately similar wording is printed near the endorsement space on the order for payment form.

VIOLATION A MISDEMEANOR. Every person violates a Section, Subdivision, Paragraph or Provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

Adopted by the City Council of the City of Hastings this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

This Ordinance shall be effective upon passage and seven days after publication.

BY \_\_\_\_\_  
LuAnn Stoffel, Mayor

ATTEST:

\_\_\_\_\_  
Gary E. Brown, City Administrator/Clerk

V185

MEMO

Date: July 17, 1986  
To: Mayor & Council  
From: Gary E. Brown  
Re: Excess Property (water storage tank)

Our Assessment Clerk was able to spend some time at the County Courthouse and acquired the following information on five properties sold within the last three years adjacent to Highway 55:

- 1) 19-83001-023-01  
Buyer - Hastings Pub Assoc.  
Seller - IBI Inc.  
Date - 11/83  
Selling Price - \$63,177 (land only)  
size - 25,371 sf  
Price per sq.ft. - 2.49
- 2) 19-83000-025-01  
Buyer - Norwest  
Seller - Mickelson Media, Inc.  
Date - 9/83  
Selling Price - 21,272  
size - 10,633 (noted as excess property, unbuildable)  
price per sq.ft. - 2.00
- 3) 19-02900-010-05 Super Store  
Buyer - Dennis McNamara  
Seller - Richard & Luella Stoffel  
Date - 8/83  
Selling Price - \$85,000 (land only)  
size - 36,300 s.f.  
Price per sq. ft. - 2.34
- 4) 19-26500-010-01 Stepping Stone (Day-Care)  
Buyer - Richard & Sharon Ginther  
Seller - First National Bank  
Date - 5/85  
Selling Price - \$40,000 (land only)  
size - 20,000 s.f.  
Price per sq.ft. - 2.00
- 5) 19-83001-022-01 (McCabe's Pub)  
Buyer - Hastings Pub Assoc.  
Seller - IBI, Inc.  
Date - 11/83  
Selling Price - \$72,650  
size - 22,534 s.f.  
Price per sq.ft. - 3.22

As you can see by the five properties noted above the value is very similar. By adding up all the square feet sold and the dollars paid for that land, the average square foot cost is \$2.45. The city's land totals 46,200 feet including the small 70 x 160 foot rectangle on the north side of the fenced in area. Staff originally wondered whether or not this property would be valuable in a sale and as it turns out this property could be used as a parking lot and would be relatively hidden by the ground storage tank. We therefore recommend that the Council strongly consider selling this along with the other parcel. The 46,200 feet times the 2.45 per sq.ft. approximate \$113,000. The property is not served by sanitary sewer which must be run through a 20 foot drainage and utility easement that the city already has down to Pleasant Drive. We estimate this cost to be approximately \$15,000 as it will involve rock excavation and the construction of a drop manhole. In addition a storm sewer outlet is located in the middle of the property which will have to be relocated and we estimate this cost to be approximately \$6,000. This would net the City approximately \$92,000 or close to \$2.00 per sq.foot. If the Council concurs City Council should set a public hearing for considering this property as excess property at their August 4, 1986 meeting. Council should be aware that these square foot costs are estimates and that staff anticipates that there may be some problems with alignments as much as five feet. Therefore before negotiations or bids are taken for the property a survey should be completed by a licensed land surveyor so that actual square footage amounts could be used.

jt

MEMO

TO: Mayor and Council

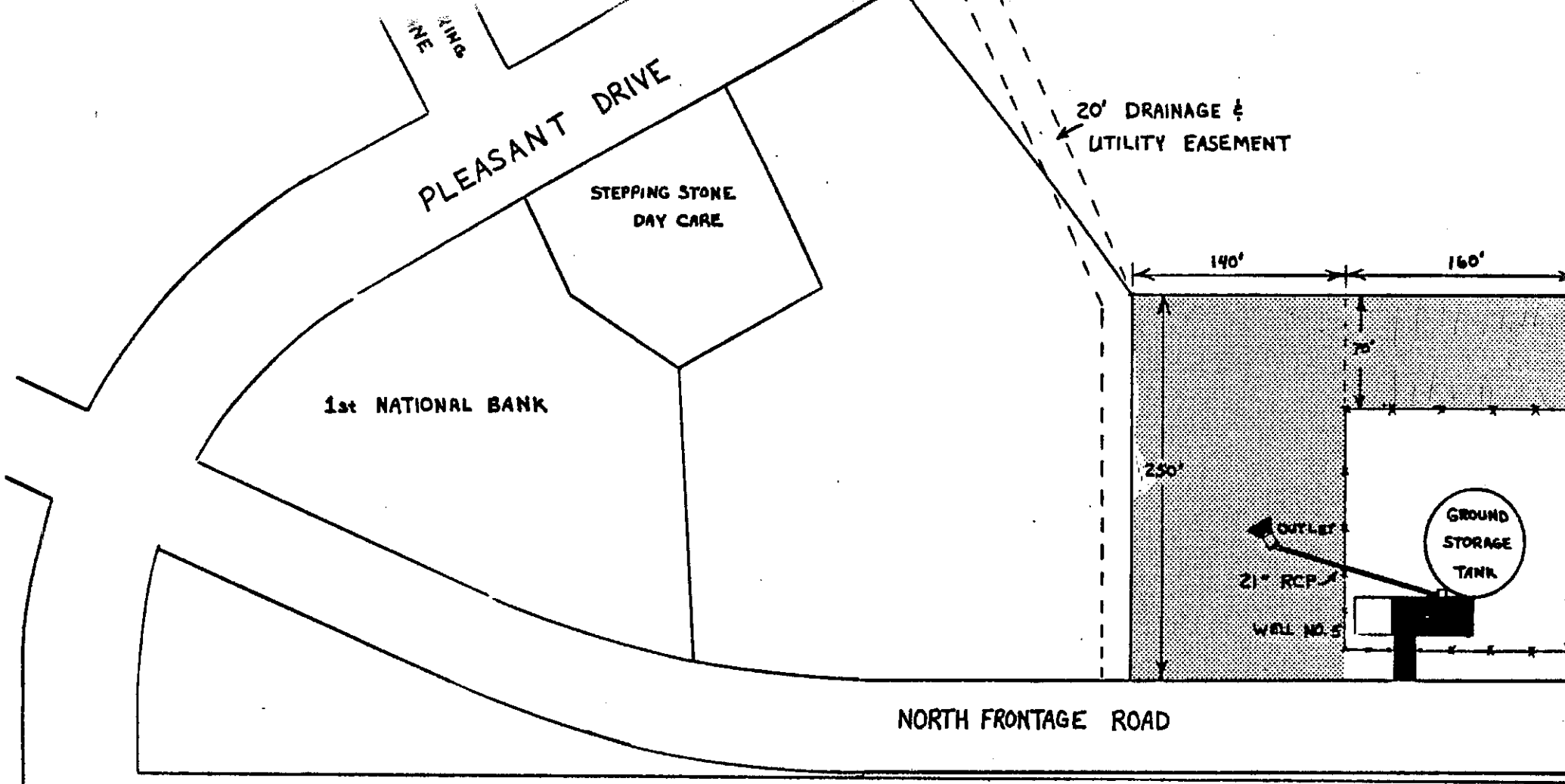
FROM: Gary E. Brown *geb*

DATE: July 3, 1986

SUBJECT: Excess Property

The elevated 750,000 gallon storage tank is nearing completion and is now filled but being operated manually. City Staff has reviewed the property immediately west of the ground storage tank which was originally purchased for the future construction of a elevated storage tank. The property falls off dramatically approximately 100 feet North of the Frontage Road. It appears that this property would be extremely valuable in the neighborhood of \$2.00 per square foot at least for the Southerly portion. City Staff does not feel there is a need for this property since the elevated storage tank has been constructed nor do we see a need for this property for many years to come, since our water study indicated that our current storage facilities would last for more than 20 years. Therefore, City Staff is requesting authority to obtain appraisals for this property so that the City Council may consider declaring it excess property. We recommend that it be done in this order so that the Council knows what they may have in value before declaring it surplus. Cost of the appraisals should be taken out of the Council's contingency fund.

cl



T.H. 55

CITY OF HASTINGS		
GROUND STORAGE TANK PROPERTY		
DRAWN BY	SCALE	7-2-86



ORDINANCE NO. \_\_\_\_\_ - SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 2.80 ADDING ADDITIONAL DUTIES FOR THE CITY ADMINISTRATOR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

Section 2.80, Subd. 2 B. shall be deleted in its entirety and amended to read as follows:

- B. Exercise control over all departments and divisions of the City except the police department; appoint and remove all employees of the City, except the police department and department heads, upon the basis of merit and/or fitness alone. Department heads may be appointed or removed by the City Administrator only after receiving Council approval. The City Administrator shall make recommendations for the suspension and termination of department heads, except the Police Chief, and may suspend any department head, except the Police Chief, until the next Council Meeting when the Council shall affirm, modify or rescind the suspension. The City Administrator shall act as the Personnel Officer and shall be responsible for the implementation of the City's personnel policy.

Section 2.80, Subd. 2 F. shall be amended to read as follows:

- F. Submit reports to the Council on City finances, budget status and administrative activities on a regular basis, as well as submit to the Council and make available to the public a complete report on the financial and administrative activities of the City at the end of each fiscal year.

VIOLATION A MISDEMEANOR. Every person violates a Section, Subdivision, Paragraph or Provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

Adopted by the City Council of the City of Hastings this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

This Ordinance shall be effective upon passage and seven days after publication.

By \_\_\_\_\_  
LuAnn Stoffel, Mayor

ATTEST:

\_\_\_\_\_  
Gary E. Brown, City Administrator/Clerk

ORDINANCE NO. \_\_\_\_\_ - SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 2.52, SUBD. 1 RELATING TO THE PLACEMENT OF ITEMS ON THE COUNCIL AGENDA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

Section 2.52, Subd. 1 of the City Code shall be amended to add the following sentence:

For any item to be considered at a regular Council Meeting, it must be submitted to the City Clerk at least five days before the regular Council Meeting. No item shall be considered at a Council Meeting unless it has been submitted as required herein or unless all Council members present agree to consider it immediately.

VIOLATION A MISDEMEANOR. Every person violates a Section, Subdivision, Paragraph or Provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

Adopted by the City Council of the City of Hastings this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

This Ordinance shall be effective upon passage and seven days after publication.

By \_\_\_\_\_  
LuAnn Stoffel, Mayor

ATTEST:

\_\_\_\_\_  
Gary E. Brown, City Administrator/Clerk



**Hertogs Fluegel  
Sieben Polk  
Jones & LaVerdiere**  
PROFESSIONAL ASSOCIATION

July 17, 1986

999 Westview Drive  
Hastings, MN  
55033  
(612) 437-3148

- Samuel H. Hertogs
- Donald J. Fluegel
- \*Michael R. Sieben
- \*Michael S. Polk
- \*Harvey N. Jones
- \*Richard A. LaVerdiere
- Steven D. Hawn
- George L. May
- Kenneth A. Skrien
- eo F. Schumacher
- Shawn M. Moynihan
- Carol A. Eckersen
- Kathy A. Endres
- Michael R. Strom
- John O. Sonsteng

\*Also admitted in Wisconsin

OFFICES ALSO AT:

Red Wing, MN  
(612) 388-1581

Cottage Grove, MN  
(612) 459-1019

Honorable Mayor LuAnn Stoffel and  
City Council Members  
100 Sibley Street  
Hastings, Minnesota 55033

Dear Mayor and City Council Members:

Enclosed you will find two proposed Ordinances which relate to the recently passed Charter Amendments. The first proposed Ordinance adds the additional duties of the City Administrator's position which were approved at the special election.

The second proposed Ordinance incorporates the Charter change which requires an item to be submitted to the City Clerk five days prior to the regularly scheduled Council Meeting.

To reduce publication costs, I did not put in the entire section of each Ordinance that was being amended. Instead, I included only the new language which is to be added to each Ordinance.

Finally, at the last Council Meeting I had suggested to the Council it should look at whether or not the Council committees should be reduced from the current five members. After giving it some thought, it was felt that it would be best to leave the number of members for each committee at five. In order to avoid a possibility of ties, it would be best to have an odd number of members. That would leave either three or five members. It seemed that three members may be too few for the committee to effectively study and make recommendations to the entire Council. Therefore, the Council may want to consider leaving the size of the Council committees at its present level of five members.

We will be present at Monday night's Council Meeting to answer any questions the Council may have.

Very truly yours,

CITY OF HASTINGS, by

Shawn M. Moynihan  
Assistant City Attorney

SMM/bap

Enclosures

cc: Gary E. Brown

MEMO

Date: July 17, 1986

To: Mayor & Council

From: Gary E. Brown



Re: Appointment of Park Department Employee

As per union contract the city is required to post positions within the union which was authorized by the City Council. Mr. Donald Lange of the city's Water Department has applied for the Park Department position of parkkeeper. After reviewing his resume and considering his experience with the city's Water Department and previous experience to the city, it is my recommendation that the City Council consider appointing Mr. Lange to the Parks Department as a Parkkeeper.

If the City Council approves this appointment I would like to recommend that the City Council authorize staff to prepare a new job description to fill the water department position. This job description would include operating the Hydro Electric Facility. We believe that it is possible that there are individuals who have experience in electricity and water as many utilities in the State of Minnesota have water and light commissions. Our initial understanding of the operation of the Hydro Facility is that the work will involve a part time position (checking the turbines and generators in the morning and in the afternoon and possibly through the weekend). Annually during high water, the city will have to contract with a company to come in and go over the turbines, generators and convertors. This is what many other hydro electric facilities do.

It is anticipated that the turbine manufacturer will be having me go over to Germany to review several operations of the hydro electric facilities that they have now ongoing. This will enable me to recommend to the City Council what type of maintenance schedule should be set up.

In the event that the hydro electric work takes too much time out of the Water Department we may have to come back to the City Council and hire an additional employee. However I believe that at this time it is imperative that the city have someone coming on board while the structure is under construction.

Mr. Lange's appointment should be made effective August 1, 1986 at 11.50/hr.

jt

## MEMO

Date: July 17, 1986

To: Mayor & Council

From: Gary E. Brown *GB*

Re: 1986 Audit

Gary Kramer has just completed the 1985 audit and is requesting that the City consider a proposal for the 1986 audit. In the past few years the City Council has asked that several proposals be submitted. This is not a requirement under State Statute or under any charter and the City Council could merely negotiate a new fee for the 1986 audit. Staff is requesting direction from the City Council.

jt

MEMO

Date: July 17, 1986

To: Mayor & Council

From: Dianne Latuff *Dianne*

Subject: Council vacancy

Enclosed in your packet you will find a letter of resignation from Councilmember Mathiowetz. Staff suggests the Council take formal action accepting the resignation and consider the position they chose to follow to fill the vacancy.

The Notice of Filing for the forthcoming primary election will be published in the next two issues of the Star Gazette based upon Council's formal acceptance of the 3rd Ward resignation, thus creating a vacancy. The notice will include the position for 3rd Ward councilperson to fill the unexpired term.

jt

July 15, 1986

Mayor & Council  
City Hall  
100 Sibley Street  
Hastings, MN 55033

Dear Mayor & Council,

Due to my recent move outside of Ward 3 I must resign my position of 3rd Ward Councilmember effective July 15, 1986.

Yours truly,

Dick Mathiowetz .

A handwritten signature in cursive script, appearing to read "Dick Mathiowetz".

77-13-12

# The Downtown Hastings Association

P.O. BOX 541  
HASTINGS, MINNESOTA 55033

July 15, 1986

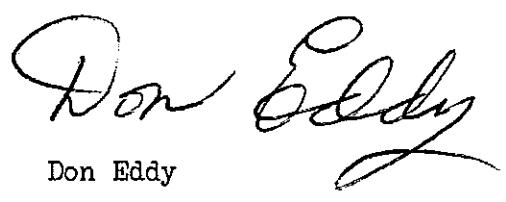
Mr. Gary Brown  
Administrator  
City Of Hastings, Mn.

Dar Gary;

We in the Downtown are concerned about the relocation and or remodeling of The Hastings City Hall. It has always been located in the Downtown and we would like to keep it here.

We would like to appear before the Council at the Monday July 21st meeting if you would be so kind as to place our Spokesperson on the agenda. Harry Schoen will appear on our behalf and take a short time to state our case to the council. Thank you for your help and consideration.

Respectfully;



Don Eddy  
President





See'd 7/21/86

# The Downtown Hastings Association

P.O. BOX 541  
HASTINGS, MINNESOTA 55033  
July 18, 1986

City Administrator  
The Honorable Mayor  
The Worthy City Council  
City of Hastings  
City Hall-100 Sibley Street  
Hastings, MN 55033

In Re: Relocation Review-City Hall Complex

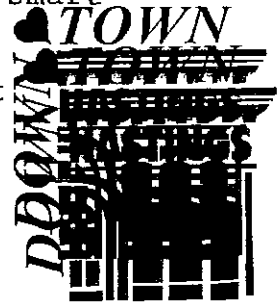
Dear City Administrator, Honorable Mayor and Worthy Council:

During the past several weeks the attention of the Hastings Downtown Business Community has been drawn to statements being circulated relative to the possibility of moving the business headquarters of the City of Hastings from its present location to a different site. Because we are concerned about this possibility, I am writing you this letter as President of the Downtown Business Association so that you are aware of their feelings.

At the present time, the main street business community of Hastings appears to be at the crossroads of a sometimes frustrating but many times exciting level of the redevelopment downtown Hastings area. We most appreciate the assistance which the governing body of the City of Hastings has given to the Downtown Business Community during the past several years in its efforts to upgrade, redevelop and focus in on the new wave of main street to replace what heretofore appears to have been a tired, ejected and demoralized center city of Hastings.

We do feel, however, that if the City Government Offices now removes its self from this core redevelopment it will only add a question to the general publics mind as to whether or not our city fathers really feel that the downtown area is worth redevelopment. We strongly feel that it is as we have shown to you through the large financial investments which have been made by many private individuals during the past several years in upgrading our business community.

Further, although we recognize the fact that your present site of governmental operations is perhaps in need of upgrading as are so many business locations of the downtown business area, we strongly feel that through the use of good planning, smart architectural designs the present location can be upgraded to meet the needs of the 80's and continue to serve this community at a far less expense than the cost of developing a completely new governmental office site.



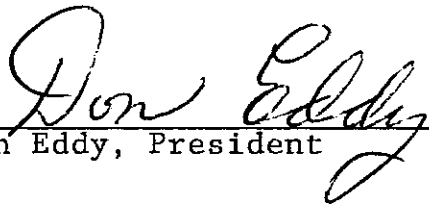
July 18, 1986  
Page Two

We, therefore, urge your strong consideration to upgrading your present facility in keeping with the historical development with the City of Hastings. To that end, I extend to you any reasonable help which the downtown business community is able to give to its city that may be beneficial. I would, therefore, hope that you would call on me so that the City of Hastings may have the assistance of the downtown business community in meeting the challenges as set forth above.

My sincere thanks for your considering the contents of this letter.

Yours very truly,

DOWNTOWN BUSINESS ASSOCIATION

By:   
Don Eddy, President

July 7, 1986

Mr. Gary Brown, Administrator  
City of Hastings  
100 Sibley Street  
Hastings, MN 55033

Dear Mr. Brown:

Re: Cost Estimate and Fee Proposal  
for Renovation @ Existing City  
Hall

This estimate is submitted following our discussion on last Wednesday, July 2, and our subsequent inspection of the above-mentioned premises this A.M. to further determine the extent of remodeling to be done.

Based on what information is now at hand, we make the following estimate for demolition and renovation at the existing building:

1. Provide demolition as required for the new work -  
6300 sq. ft. @ 3.00 = 18,900.00
2. Provide General Construction to renovate  
6300 sq. ft. on two levels - 6300 sq. ft. @ 23.50 = 148,050.00
3. Provide plumbing and mechanical work (reuse some  
existing mechanical equipment)  
6300 sq. ft. @ 7.00 = 44,100.00
4. Provide electrical work (no new service)  
6300 sq. ft. @ 6.50 = 40,950.00

5. Provide interior design services  
6300 sq. ft. @ .40 (no furniture selections) = 2,520.00

---

Sub Total \$254,520.00

Professional Fees - architectural, mechanical/  
electrical engineers and structural engineer @ 10% = 25,452.00

Note: If instructed by Owner, we can eliminate  
any discipline which is not felt necessary  
and credit the fee to Owner.

Sub Total \$279,972.00

6. Design Contingency @ 5% = 14,000.00

---

Total \$293,972.00

General Notes:

1. The above estimate is based on the assumption that a new elevator will not be installed.
2. No furnishings or draperies included in price submitted.
3. No permit costs included in price submitted.
4. Be cautioned that this is a preliminary cost estimate done without the benefit of any drawings. An accurate estimate can be prepared at such time as drawings are available to the various contractors.
5. It may be possible to control some costs beyond what is herein proposed if a budget can be arrived at, and the quality of finishes, etc. be provided to accommodate such budget.

Respectfully submitted,

R. P. Fuchs, Architects

By: 

V1B14

MEMO

TO: Mayor and City Council  
FROM: Marty McNamara *Marty*  
SUBJECT: NRRC Vacancy  
DATE: July 16, 1986

With the resignation of Tom Lewanski from the Natural Resources and Recreation Commission, there are now six (6) members. The Commission is recommending to the Council that you appoint Mr. Cliff Jacobson to this vacancy. This would give the Commission seven (7) members.

ces

Attachment

CITY OF HASTINGS  
APPLICATION FOR COMMISSION APPOINTMENT

DATE: July 11, 1986

NAME OF COMMISSION YOU ARE APPLYING FOR:

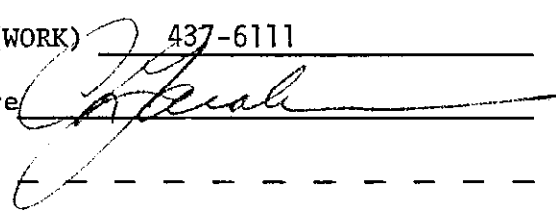
NATURAL RESOURCE

NAME Cliff Jacobson

ADDRESS 928 W. 7th

PHONE NO. (HOME) 437-7497

(WORK) 437-6111

Signature 

The information below is optional. The applicant may or may not provide the data requested. Use additional sheets of paper if necessary.

EMPLOYMENT DATE

Place of Employment Hastings Middle School

Position held Teacher

Brief statement of position content I teach Environmental Science in grade 8. I'm also a freelance outdoor writer.

EDUCATIONAL DATA

High School Attended \_\_\_\_\_ Year Graduated 1958

College or University attended Purdue/Indiana U. Year Graduated B.S. Forestry, 6

Major Forestry Degree B.S....also M.S. Education, 1966, I.U.

Technical, Vocational or Trade School attended \_\_\_\_\_

Course of study \_\_\_\_\_

Post Graduate School Indiana University

Major Secondary education Degree M.S.

Other (Enter data not covered above) National Science Foundation Fellowship, earth science, 1966-67.

RESIDENCY/FAMILY DATE

Number of years Hastings resident 16

Spouse's Name Sharon

Number of Children 2

MILITARY EXPERIENCE

Branch of Service Lt., Army, artillery

Period: From 1962 TO 1964

GENERAL INFORMATION/REMARKS (Fill in as desired by applicant)

Why do you wish to serve on this Commission?

I have a strong interest in environmental concerns and feel there should  
be someone on the board who expresses knowledge and interest in that area.  
Hastings is fortunate to have a number of high quality resource areas. It's  
our challenge to manage them wisely.

Other Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YL-13-15



# HASTINGS POLICE DEPARTMENT

107 West 5th Street  
Hastings, Minnesota  
612-437-4126



DARYL A. PLATH  
Chief of Police  
July 11, 1986

MEMO TO: Mayor Stoffel  
City Council Members  
FROM: Daryl A. Plath, Chief of Police  
RE: Part-time secretary/dispatcher

As you recall, the police department was authorized the addition of one part-time secretary/dispatcher position effective July 1, 1986.

We have completed our hiring process, and I am recommending approval of Lorraine Matsch to fill that position beginning August 1, 1986, at a starting salary of \$6.25 per hour.

Thank you for your consideration in this matter.

DAP/cs



July 15, 1986

TO: The Mayor and Council

FROM: John Grossman JG

RE: Street Closing Request, August 2, 1986

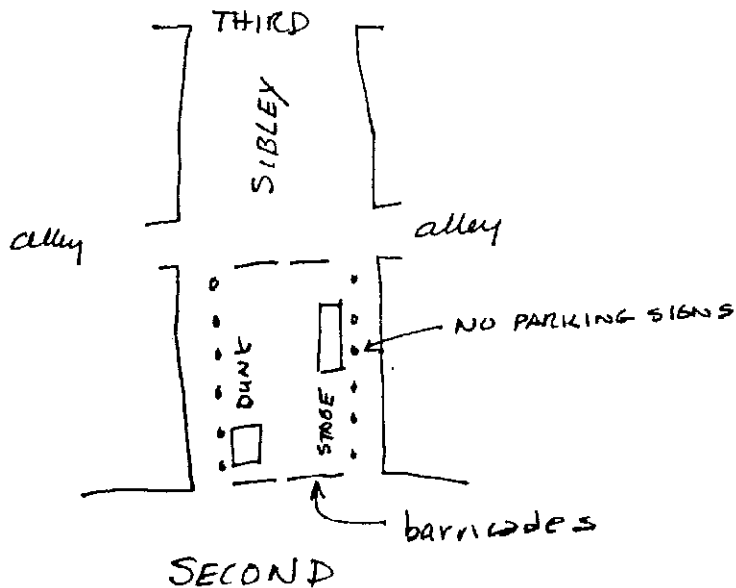
The Downtown Hastings Association requests that Sibley Street from Second to the alley, going south toward Third, be closed to traffic and parking from 8 A.M. to 5 P.M. on Saturday, August 2nd.

The purpose of the request is to provide a centrally-located and safe area in which to locate two activities which will draw crowds of spectators: (1) a lip-sync "singing" contest set up on a stage adjacent to the west curb (2) a dunk-tank set up adjacent to the east curb.

The lip-sync contest is sponsored by the DHA at no cost to contestants or spectators. A non-profit vendor's permit will be taken out for the dunk tank because there will be a charge.

This area has been closed for activities in past years. The street itself will not be blocked by vehicles or equipment in order to provide for emergency access.

- cc: Daryl Plath, Chief of Police
- Keith Rosch, Street Superintendent
- ✓ Gary Brown, City Administrator



MEMO

Date: July 17, 1986

To: Mayor and Council

From: Barb Thompson



The staff requests your authorization to add the depositories listed below to our investment portfolio to be used in investing the \$1,000,000 in \$100,000 increments authorized by the Council.

As we have money available for investing we have to "shop around" to see where our money is wanted and also at the best possible rate. These depositories do not always want our money that certain day, so therefore we must have several depositories authorized with which to negotiate.

The decision to invest in a certain depository is determined by:

- a. the equity to asset ratio
- b. profit/lost
- c. years in existance
- d. total strength

The depositories for your approval are:


- 1. Western Savings - Yatesville, Tx.
- 2. Gibraltar Savings - Houston, Tx.
- 3. Brentwood Square S/L - Los Angeles, CA
- 4. Investors S/L - Richmond, Va.
- 5. Victoria Savings Assoc. - San Antonio, Tx.
- 6. First Natl. Bank of Delaware - Wilmington, Del.
- 7. Portsmouth Savings Bank - Portsmouth, NH

V1818

MEMO

Date: July 17, 1986

To: Mayor & Council

From: Gary E. Brown 

Re: Sale of the Latto Hospital

As the Council may recall we have been negotiating with the Thorsens to sell the Latto Hospital to them for a number of months. They have been attempting to close up the completion of their property at 4th & Pine in order to start with the Latto Hospital. Please review the attached purchase agreement and additional stipulations. They differ slightly from the Council's original intent, however after five or six meetings investigations by both the Thorsens and City Staff we believe that this is probably the best purchase agreement that we can come up with to insure the integrity of the building while transferring title.

jt

SUPPLEMENT TO PURCHASE AGREEMENT  
BY AND BETWEEN  
CITY OF HASTINGS, SELLER, AND RICHARD THORSEN AND PAMELA THORSEN, BUYERS

1. Buyers agree they are purchasing the property and improvements thereon and contents "AS IS", and that Seller has made no oral or written warranties regarding the physical condition of the property, improvements or contents.

2. Buyers are purchasing the property for ultimate development as a bed and breakfast facility. Buyers may operate the property as rental property pending the completion of its rehabilitation as a bed and breakfast facility, as described hereafter. Any use of the building for rental property shall comply with all zoning ordinances. Financing for the rehabilitation is by the Dakota County Housing and Redevelopment Authority with its stipulation that the work shall be completed within one year from the date of Dakota County Housing and Redevelopment Authority loan approval.

3. All bed and breakfast rehabilitation shall be carried out with the approval, as required, of the Hastings Heritage Preservation Commission and the Hastings Planning Commission.

4. The City shall have a renewable, annual license for \$1.00 per year for the nonexclusive use of a first floor public or commons area in the structure on the property, as and when rehabilitated by Buyers, for meeting purposes, but not more often than one time per week. The City shall indemnify Buyers from any claim arising out of such public use. Buyers agree to execute all documents necessary to grant the City this renewable, annual license.

5. The terms of this Purchase Agreement shall survive the closing.

SELLER: City of Hastings, a Minnesota  
Municipal Corporation

BUYER:

By \_\_\_\_\_  
LuAnn Stoffel, its Mayor

  
Richard Thorsen

By \_\_\_\_\_  
Gary E. Brown, its City  
Administrator/Clerk

  
Pamela Thorsen

**STANDARD  
 PURCHASE AGREEMENT**

**Hastings**, Minnesota, 19         
 RECEIVED OF Richard Thorsen and Pamela Thorsen  
 the sum of Five Hundred and no/100 Dollars (\$ 500.00)  
 by check as earnest money to be deposited the next business day after acceptance in trust account of listing broker  
 (unless otherwise specified in writing) and in part payment for the purchase of the premises legally described as  
Lots six (6) and seven (7), Block Forty-six (46), Town of Hastings.

located at (Street Address) 620 Ramsey Street  
 City of Hastings, County of Dakota, State of Minnesota,  
 including all plants, shrubs and trees, all storm windows and/or inserts, storm doors, screens, awnings, State of Minnesota,  
~~attached lighting fixtures with bulbs, plumbing fixtures, water heater, heating system, furnace, air conditioning, water softener, clothes washer, dishwasher, garbage disposal, oven, refrigerator, microwave oven, window coverings, and any~~  
 located on the premises which are the property of Seller and also the following personal property: None

all of which property Seller has this day sold to Buyer for the sum of: \$ 13,000.00  
Thirteen Thousand and no/100 Dollars.

which Buyer agrees to pay in the following manner: Earnest money of \$ 500.00 and  
 \$ 12,500.00 cash on or before September 1, 1986, the date of closing, ~~subject to MSA 559.21~~

See attached Supplement for additional terms and conditions of  
 this Purchase Agreement.

~~Attached are xxx copy documents which are made a part of this agreement~~  
 SUBJECT TO performance by Buyer, Seller agrees to execute and deliver a quit claim RLT  
Warranty Deed,

to be joined in by spouse, if any, conveying marketable title to the premises subject only to the following exceptions:  
 (1) Building and zoning laws, ordinances, State and Federal regulations. (2) Restrictions relating to use or improvement of the premises without  
 effective forfeiture provision. (3) Reservation of any minerals or mineral rights to the State of Minnesota. (4) Utility and drainage easements  
 which do not interfere with present improvements. (5) Rights of tenants, ~~etc.~~ See attached Supplement.

~~REAL ESTATE TAXES Seller agrees to pay xxxxxx until Buyer agrees to pay xxxxxx. If the Buyer fails to pay xxxxxx by the closing date, the Buyer shall be liable for the taxes and assessments from the date of closing.~~  
 Buyer shall pay taxes due and payable in the year 19 87 and any unpaid installments of special assessments payable therewith  
 and thereafter. Seller warrants that taxes due and payable in the year 19 87 will be Non- homestead  
 classification. Neither Seller nor Seller's Agent makes any representation concerning the amount of future real estate taxes. RLT

**WARRANTIES** Seller warrants that buildings, if any, are entirely within the boundary lines of the premises. Seller warrants that all  
 appliances, heating and air conditioning, wiring and plumbing used and located on the premises are in proper working order on date of closing.  
 Buyer has right to inspect premises prior to closing. Buyer shall satisfy himself, herself at his/her expense that all appliances, heating and air  
 conditioning, wiring and plumbing are in proper working order before closing. Seller warrants that the premises are not subject to any  
~~claim or lien for unpaid taxes, assessments, or other charges.~~ If the premises are destroyed or substantially damaged by fire or any other cause before the  
 closing date, this agreement shall become null and void at Buyer's option, and the earnest money shall be refunded to Buyer.

**POSSESSION** Seller agrees to deliver possession not later than date of closing.  
 All interest, city water and sewer charges, electricity and natural gas charges, fuel oil and liquid petroleum gas shall be pro-rated between the  
 parties as of closing date. Seller agrees to remove all debris and all personal property not included herein from the  
 premises before possession date.

**TITLE & EXAMINATION** Seller shall, within a reasonable time after acceptance of this agreement, furnish an Abstract of Title, or a  
 Registered Property Abstract, certified to date to include proper searches covering bankruptcies, State and Federal judgments and liens. Buyer  
 shall be allowed 10 business days after receipt for examination of title and making any objections, which shall be made in writing or deemed  
 waived. If any objection is so made, Seller shall be allowed 120 days to make title marketable. Pending correction of title, payments hereunder  
 required shall be postponed, but upon correction of title and within 10 days after written notice to Buyer, the parties shall perform this  
 agreement according to its terms. If title is not corrected within 120 days from the date of written objection, this agreement shall be null and  
 void, at option of Buyer, neither party shall be liable for damages hereunder to the other, and earnest money shall be refunded to Buyer.

**DEFAULT** If title is marketable or is corrected within said time, and Buyer defaults in any of the agreements herein, Seller may terminate this  
 agreement, and on such termination all payments made hereunder shall be retained by Seller and Agent, as their respective interests may appear,  
 as liquidated damages, time being of the essence hereof. This provision shall not deprive either party of the right of enforcing the specific performance  
 of this agreement, provided this agreement is not terminated and action to enforce specific performance is commenced within six months after  
 such right of action arises. In the event Buyer defaults in his performance of the terms of this Agreement, and Notice of Cancellation is  
 served upon the Buyer pursuant to MSA 559.21, the termination period shall be thirty (30) days as permitted by Subdivision 4 of MSA  
 559.21

**ACCEPTANCE** Buyer understands and agrees that this sale is subject to acceptance by Seller in writing. Agent is not liable or responsible  
 on account of this agreement, except to return or account for the earnest money.

**AGENCY DISCLOSURE**        stipulates he or she is representing the         
 in this transaction. The listing agent or broker stipulates he or she is representing the seller in this transaction.

I, the owner of the premises, accept this agreement and  
 the sale hereby made.  
**SELLER**  
CITY OF HASTINGS  
 By: Its Mayor

I agree to purchase the premises for the price and on the terms and  
 conditions set forth above.  
**BUYER**  
Richard Thorsen

**SELLER**  
 and By: Its City Administrator

**BUYER**  
Pamela J. Thorsen

Delivery of all papers and monies shall be made at the office of:  
 Company Hastings City Hall Selling Agent         
 Address        City        Zip

CITY OF HASTINGS  
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT - CITY PROJECTS NO. 1986-1,3,4,5,6,7,8,9,10,11,12 & 13.

WHEREAS, contracts have been let for the improvement program as follows:

Project No. 1986-1 Oak St. from 11th St. to 13th St.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sewer and water services and storm sewer.

Project No. 1986-3 Frazier St. from 1st St. to 2nd St.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, and storm sewer.

Project No. 1986-4 Tierney Drive from Todd Way to a point 200' east; also Todd Way from Todd Court to Tierney Drive.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sanitary sewers, watermain, and sewer and water services.

Project No. 1986-5 Upper 160th St. west of LeRoy Ave. consisting of Siebens Third Addition.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sanitary sewers, watermains, sewer and water services, and storm sewers.

Project No. 1986-6 Cory Lane from 220' south of 160th St. to 540' south of 160th St.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sanitary sewers, watermains, sewer and water services, and storm sewers.

Project No. 1986-7 1st St. from C.S.A.H. No. 42 to Pleasant Drive.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sanitary sewers, watermains, sewer and water service, storm sewers and right of way acquisition.

Project No. 1986-8 Ash St. from 3rd St. to 4th St.

Excavation, gravel base, bituminous surfacing, and concrete curb and gutter.

Project No. 1986-9 State St. from 4th St. to 7th St.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, and storm sewers.

Project No. 1986-10 Prairie St. from 6th St. to T.H. 55

Excavation, gravel base, bituminous surfacing, concrete curb and gutter and storm sewers.

Project No. 1986-11 Pine St. from 2nd St. to T.H. 55

Excavation, gravel base, bituminous surfacing, concrete sidewalk, sanitary sewer replacement, storm sewers, and concrete curb and gutter.

Project No. 1986-12 Williams 1st Addition.

Excavation, gravel base, bituminous surfacing, concrete curb and gutter, sanitary sewers, watermains, sewer and water services, and storm sewers.

Project No. 1986-13 Malcolm Ave. from 160th St. to T.H. 316

Sanitary sewers, watermains, water and sewer services, and street restoration.

The contract price for such improvements is estimated at \$1,398,746.55 and the expenses incurred or to be incurred, in the making of said improvements are estimated at \$265,761.84 so that the total cost of the improvement is estimated at \$1,664,508.39.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA

1. The amount to be specially assessed is hereby declared to be \$ 1,592,000
2. The City Clerk, with the assistance of the City Engineer shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable piece or parcel of land without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.
3. The City Clerk shall, upon completion of such proposed assessment, notify the Council thereof.

Adopted by the City Council of Hastings this 21st day of July, 1986.

Ayes:  
Nayes:

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LuAnn Stoffel, Mayor

ATTEST:

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Gary E. Brown, City Clerk/Administrator

Change Order No. 1 to the  
Specifications for 1986 Street and Utility  
Improvements - Bid Proposals "A" & "C"

Date: July 21, 1986

Description of Work

This Change Order provides for the elimination of sidewalks on the east side of Pine Street between 2nd Street and T.H. 55. The sidewalks that exist on the east side of Pine St. between 3rd St. and 5th St. shall remain and new sidewalks shall be constructed from these existing walks to the new curb and gutter at the 3rd St., 4th St. and 5th Street intersections.

<u>Change Order Item</u>	<u>Unit</u>	<u>Price</u>	<u>Estimated Quantity</u>	<u>Total Amount</u>
4" Concrete walk including granular bedding	S.F.	\$1.50	9,700	\$14,550.00
Total Change Order No.1				
Deduct -				\$14,550.00

Original Contract amount - \$1,398,746.55  
 This change order - Deduct- \$14,550.00  
 Revised contract amount \$1,384,196.50

Approved by: City of Hastings, Minnesota

by \_\_\_\_\_  
Mayor

by \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

Approved by: Austin P. Keller Con.Co.

by Leo Otto \_\_\_\_\_

V.P.  
Title



CITY OF HASTINGS  
 DAKOTA COUNTY, MINNESOTA

City Project No. 1986-16 1986 Overlays

Honorable Mayor and Members of the City Council.

This is to advise that I have reviewed the work under contract to Ace Blacktop Co. under Project No. 1986-16.

The Contractor has completed the work in accordance with the contract.

It is recommended that final payment be made for said work to the contractor in the amounts as follows:

Final Contract paid:	\$23,258.00
Previous payment:	\$0.00
Balance Due:	\$23,258.00

Sincerely yours,  
 City of Hastings

*James J. Kleinschmidt*  
 James J. Kleinschmidt  
 City Engineer

Estimate No. 1 and the Final Estimate

Contractor: Ace Blacktop Co.

Project No.: 1986-16 - 1986 Overlays

Type of Construction: Bituminous Overlay

Date Approved: June 2, 1986

Original Contract Price: \$24,589.40

Engineer: James J. Kleinschmidt  
James J. Kleinschmidt, City Engineer

Item	Description	Unit	Unit Price	Quantity	
1	Furnish & Install 1½" overlay MNDOT SPEC. 2341.	Ton	\$21.98	989.90	\$21,758.00
2	Adjust water gate valve boxes.	Each	\$50.00	8	\$400.00
3	Adjust manholes	Each	\$100.00	11	\$1,100.00

Total (Items 1 plus 2 plus 3) \$23,258.00  
 Change Orders NONE  
 Total Work To Date \$23,258.00  
 Less retainage NONE  
 Net Amount earned \$23,258.00  
 Less Previous Payments NONE

PAYMENT AUTHORIZED \$23,258.00

Approved for Payment: July 21, 1986

City of Hastings, Owner

City of Hastings

By: \_\_\_\_\_ Mayor

By: \_\_\_\_\_ City Administrator/Clerk

Contractor: Ace Blacktop Co.

By: Barry J. Mahonell  
V.P.  
\_\_\_\_\_  
Title



**Hertogs Fluegel  
Sieben Polk  
Jones & LaVerdiere**  
PROFESSIONAL ASSOCIATION

Information

999 Westview Drive  
Hastings, MN  
55033  
(612) 437-3148

July 17, 1986

Samuel H. Hertogs  
Donald J. Fluegel  
\*Michael R. Sieben  
\*Michael S. Polk  
\*Harvey N. Jones  
\*Richard A. LaVerdiere  
Steven D. Hawn  
George L. May  
Kenneth A. Skrien  
Leo F. Schumacher  
Shawn M. Moynihan  
Carol A. Eckersen  
Kathy A. Endres  
Michael R. Strom  
John O. Sonsteng

\*Also admitted in Wisconsin

OFFICES ALSO AT:

Red Wing, MN  
(612) 388-1581

Cottage Grove, MN  
(612) 459-1019

Honorable Mayor LuAnn Stoffel and  
City Council Members  
100 Sibley Street  
Hastings, Minnesota 55033

Re: City of Hastings Charter Section 2.05

Dear Mayor and City Council Members:

We have been asked to give an interpretation of Charter Section 2.05 which has been submitted to the Council by the Charter Commission for approval through the ordinance process. This section states that a person seeking the office of Councilperson must "reside in the ward from which he or she seeks election and the signers of his or her petition must also be residents of the same ward."

The question raised concerned persons who run for the two at large Council seats. Specifically, how does the language quoted above affect those persons who seek election to the at large Council seats?

The very nature of the at large Council position indicates that they will represent the entire City and not a specific ward. Their constituency would be identical to that of the Mayor's. Accordingly, the residency requirement of the at large candidates should be identical to the Mayor's, i.e., only that they reside within the City of Hastings for at least 30 days prior to the primary. To require the at large candidates to reside in the ward in which they seek election would be meaningless since those candidates would be seeking election from the entire City and not one ward.

Further support for this interpretation is found in the recently amended Charter Section 3.02. This section specifies that candidates for ward Council seats must be residents of the ward in which they seek election for at least 30 days before the primary. Section 3.02 further requires that at large candidates need only be residents of the City for at least 30 days before the primary.

This same interpretation should be given to the residency requirements of the signators of the candidate's petition. The nominating petition of a candidate for an at large Council seat may be

signed by qualified voters of the City of Hastings without regard to ward boundaries.

We will be happy to answer any additional questions the Council may have on this matter.

Very truly yours,

CITY OF HASTINGS, by



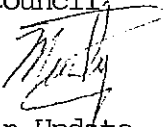
Shawn M. Moynihan  
Assistant City Attorney

SMM/bap

cc: Charles E. Caturia, Chairman  
Winton Hartman  
Dick Dobrick

# Information

MEMO

TO: Mayor and City Council  
FROM: Marty McNamara   
SUBJECT: Park Systems Plan Update  
DATE: July 16, 1986

For your information, two public meetings are scheduled to gain ideas from the public in updating our Park Systems Plan. The meetings will be held on Wednesday, July 30, and Wednesday, August 6, at 7:30 p.m. in the City Hall Council Chambers. These meetings are scheduled to be televised on cable television.

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**Information**

<i>Previous</i>			<i>Current</i>						
Running Totals			Running Totals						
No.	Value	Fee	No.	Value	Fee				
Single Family	27	2,227,358.65	10,215.00	6	493,645.48	2,281.00	33	2,721,004.13	12,496.00
Duplexes	1	142,791.51	540.50	1	120,000.00	515.50	2	262,791.51	1,056.00
Mobilehomes	34	818,890.00	5,581.50	3	76,700.00	517.50	37	895,590.00	6,099.00
Four-plex townhouses	1	191,342.80	658.00	0	0.00	0.00	1	191,342.80	658.00
Condominiums	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
New Commercial	1	897,866.04	2,423.00	0	0.00	0.00	1	897,866.04	2,423.00
Remodel-Commercial	1	130,001.00	508.00	0	0.00	0.00	1	130,001.00	508.00
Remodel	2	367,059.00	1,174.50	0	0.00	0.00	2	367,059.00	1,174.50
Roofs-Siding	23	126,350.50	1,230.50	8	262,715.00	1,285.00	31	389,065.50	2,515.50
decks,porches	40	143,863.56	1,543.10	3	6,756.50	105.00	43	150,620.06	1,648.10
Insulation	13	33,221.45	446.50	12	41,726.15	442.50	25	74,947.60	889.00
Plumbing	9	3,917.00	75.50	0	0.00	0.00	9	3,917.00	75.50
Heating/Mech.	38	89,834.05	899.15	2	13,000.00	130.00	40	102,834.05	1,029.15
Air Conditioning	41	154,767.66	1,558.55	7	25,541.00	263.91	48	180,308.66	1,822.46
Garages	15	23,453.08	232.92	8	11,650.00	116.50	23	35,103.08	349.42
Sheds	16	145,771.02	1,234.00	1	10,775.96	86.50	17	156,546.98	1,320.50
Swimming Pools	14	9,100.00	191.00	4	1,889.00	44.50	18	10,989.00	235.50
Parking Lots	1	2,501.00	38.50	3	17,300.00	150.00	4	19,801.00	188.50
Sidewalks	1	1,641.00	28.00	0	0.00	0.00	1	1,641.00	28.00
Driveways	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
Fireplaces/chimney	9	12,721.00	198.00	9	15,320.00	371.50	18	28,041.00	569.50
Stoves	2	4,154.50	54.50	0	0.00	0.00	2	4,154.50	54.50
Demolition	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
Miscellaneous	4	502.50	502.50	0	0.00	0.00	4	502.50	502.50
Grading	28	17,132.00	445.60	3	53,700.00	320.00	31	70,832.00	765.60
Fences	0	0.00	0.00	1	12,000.00	92.50	1	12,000.00	92.50
Industrial	9	7,908.00	151.50	2	2,950.00	38.50	11	10,858.00	190.00
Basements	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
Site Grading	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
<b>Total</b>	<b>330</b>	<b>5,552,147.32</b>	<b>29,930.32</b>	<b>73</b>	<b>1,165,669.09</b>	<b>6,760.41</b>	<b>403</b>	<b>6,717,816.41</b>	<b>36,690.73</b>
Plan Review	33	7,377.14	10,075.68	9	0.00	2,473.25	42	7,377.14	12,548.93
WACS	89	28,212.00	32,700.00	10	0.00	3,750.00	99	28,212.00	36,450.00
<b>GRAND TOTAL</b>	<b>452</b>	<b>5,587,736.46</b>	<b>72,706.00</b>	<b>92</b>	<b>1,165,669.09</b>	<b>12,983.66</b>	<b>544</b>	<b>6,753,405.55</b>	<b>85,689.66</b>