

AGENDA

I CALL TO ORDER:

II ROLL CALL:

III DETERMINATION OF QUORUM:

IV APPROVAL OF MINUTES:

Minutes of meeting of June 16, 1986, Special Meeting of June 25, 1986

V AWARDING OF BIDS AND HEARING

1. Award Bid-1986 Sealcoating

VI REPORTS FROM CITY STAFF:

A. City Planner

1. Final Plat and 3rd Reading of Rezoning Amendment (Ordinance No. 201) Valley West 2nd Addition.
2. Final Plat and 3rd Reading of Rezoning Amendment (Ordinance No. 202) Bauer View 2nd Addition.
3. Zoning Designation (1st Reading, Order Public Hearing) for recently annexed Malcolm Avenue properties (Sunny Acres Plat)
4. Home Occupation Permits-Renewal for July 1, 1986 - June 30, 1987.
5. Renewal of Soil Processing Permits
  - a. Davies Excavating
  - b. Holst Construction
6. 3rd Reading-Ordinance Amendment (Ordinance No. 203) Site Plan Review Procedure.

B. City Administrator

1. Real Estate Abatement
2. Accept resignation-Tom Lewanski-NRRC
3. 1st Reading-Ordinance Amendment-NRRC reduction in membership-set Public Hearing.
4. 3rd Reading-Ordinance No. 204-Absentee Ballot Board.
5. 2nd Reading-Charter Amendments.
6. 1st Reading-Ordinance Amendment (Wiring of funds)
7. Adopt Joint powers budget with School District.
8. Request for Bicycle Race Event-Vets Home Park.
9. Authorization to advertise for bids-Employee Health Insurance.
10. Slow pitch changing weekend.
11. City Hall Proposal-Fuch's
12. Excess Property

C. City Attorney

1. Interpretation of Charter Changes.

D. City Engineer

1. Final Estimate S.J. Louis \$10,053.12
2. Proposed Stop Signs on Forest at 7th
3. Pine Street (sidewalk)

VII COMMENTS FROM AUDIENCE:

VIII UNFINISHED BUSINESS:

IX NEW BUSINESS:

X REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMEMBER

XI COMMUNICATIONS AND MISCELLANEOUS BUSINESS:

XII PAYMENT OF CLAIMS

Consent Agenda:

1. Pay all bills as audited
2. Estimate No. 1-Northdale Construction Co. \$48,181.34
3. Estimate No. 2-Austin P. Keller Construction Co. \$488,736.46

XIII ADJOURNMENT

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, June 16, 1986 at 7:30 p.m. in the Council Chambers of the City Hall.

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

Members Absent: Councilmember Mathiowetz.

The Mayor called for additions or corrections to the minutes of the meeting of June 2, 1986 and hearing none declared the minutes approved as presented.

Moved by Councilmember Trautmann, seconded by Councilmember Plan to adopt Resolution No. 59-86 accepting and awarding the bid for the sale of \$1,475,000 General Obligation Improvement Bonds to the First National Bank of St. Paul. 7 Ayes; Nays, None. Copy of resolution on file.

RESOLUTION NO. 59-86  
AWARD BID-GENERAL  
OBLIGATION IMPROVE-  
MENT BONDS

The Mayor declared the public hearing open at 7:37 p.m. to consider amending Section 10.01, Subdivision 1 of the City Code rezoning from Agricultural and P-I to R-2 Medium Density Residential, Valley West 2nd Addition. No one wished to speak on the matter, the Mayor closed the public hearing at 7:38 p.m.

PUBLIC HEARING-  
REZONING VALLEY  
WEST 2ND ADDITION

The Mayor declared the public hearing open at 7:39 p.m. to consider amending Section 10.24, Subdivision 3 and adding Subdivision 5 of the City Code having to do with site plan approval and relating to developer's agreement. The Mayor asked if anyone wished to speak on the matter, no one wished to do so the Mayor closed the public hearing at 7:40 p.m.

PUBLIC HEARING-  
SITE PLAN REVIEW  
PROCEDURES

The Mayor declared the public hearing open at 7:41 p.m. to consider amending Chapter 2, Section 2.57 of the City Code having to do with establishing Absentee Ballot Board at City Hall. The Mayor asked if anyone wished to speak on the issue, no one wished to do so, the Mayor closed the public hearing at 7:42 p.m.

PUBLIC HEARING-  
ABSENTEE BALLOT  
BOARD

The Mayor declared the public hearing open at 7:43 p.m. to consider changing the name of 160th to 31st Street, east of T.H. 316, and to consider changing the street addresses on Malcolm Avenue from 160th Street to T.H. 316 from the existing 5 digit numbers to 4 digit numbers to conform with the city's street numbering system. The Mayor asked if anyone wished to speak on the matter, no one wished to do so. A letter was in the Council packet from Mr. Forrest Skallerup requesting to keep his address as listed on the Redwing Blvd. The Mayor closed the public hearing at 7:50 p.m.

PUBLIC HEARING-  
SOUTH HASTINGS  
ADDRESSES

Moved by Councilmember Trautmann, seconded by Councilmember Berg to change the name of 160th Street to 31st Street, east of T.H. 316 and to change the street addresses on Malcolm Avenue, from 160th Street to T.H. 316, from the existing 5 digit numbers to 4 digit numbers to conform to the city's street numbering system. A 31st Street sign would be posted on the existing sign posted 160th Street so that the street is designated as 160th Street and 31st Street for a two year period and then the 160th Street sign would be removed. The new addresses go into effect immediately. Staff is requested to work with Mr. Gordon Specht deleting 3297 160th Street from this requirement however, considering changing it to 3297 Glendale Road. 7 Ayes; Nays, None.

SOUTH HASTINGS  
ADDRESSES

The people affected by the 1986 Improvement Project on Pine Street had designated a spokesperson to represent them at the Council meeting. Ms. Laura Bolstad, 701 W. 2nd Street, spoke on behalf of the residents. She requested that the Council maintain the existing stop signs on Pine Street creating no thru street and that they consider narrowing the road from 36 feet to 32 feet and allow no parking on Pine Street, as well as having narrower sidewalks to preserve the green space and having the sidewalks be as far away from the houses as possible. Mr. Andre Menard suggested that the cost for the improvements would be reduced by reducing the size of the street and the sidewalk in this street and he felt that it was imperative that no parking be on Pine Street because of small children. Mr. Philip Nolan had requested the sidewalk between 4th & 5th Street not be replaced but now it is torn up; and Mr. McNamara stated he had just recently purchased a house and the improvements would reduce the value.

PINE STREET  
IMPROVEMENTS-2ND  
TO T.H. 55

Moved by Councilmember Kulzer, seconded by Councilmember Nesbitt to have the recommendations of the neighborhood approved plus including Pine Street, from 2nd to 3rd, having sidewalk placed next to the curb. 2 Ayes; Naves, Plan, Berg, Werner, Bond and Trautmann.

Moved by Councilmember Bond, seconded by Councilmember Nesbitt to have the staff approach the State for review of possible subsequent plans, 1) Reducing the sidewalk width from 5 feet to 4 feet; 2) Between 5th and T.H. 55 sidewalks should be placed on east side of the street on west of side of existing trees (approved construction plans call for sidewalk to be placed on east side of street on east side of existing trees from 5th Street to 7th Street and on west side of existing trees from 7th Street to T.H. 55), 3) The sidewalk between 3rd and 4th Street should not be replaced (approved construction plans call for this sidewalk to be replaced). Staff is requested to impress upon the state the urgency of this request and their expeditious review. 7 Ayes; Naves, None.

Councilmember Kulzer temporarily left the room.

RESOLUTION NO.  
60-86 AGREEMENT-  
SIGNALS-RAIL-  
ROAD CROSSING  
ON 2ND STREET

Moved by Councilmember Berg, seconded by Councilmember Plan to adopt Resolution No. 60-86 authorizing the Mayor and the City Administrator/Clerk enter into an agreement with the Soo Line Railroad Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of 2nd Street with the tracks of the Soo Line Railroad Company. 6 Ayes; Naves, None. Copy of resolution on file.

2ND READING-  
ORDINANCE  
REZONING-VALLEY  
WEST 2ND  
ADDITION

Moved by Councilmember Trautmann, seconded by Councilmember Berg to pass the 2nd Reading of an Ordinance Amending Section 10.01, Subdivision 1 of the City Code rezoning Valley West 2nd Addition from Agricultural and P-I to R-2. 6 Ayes; Naves, None.

2ND READING-  
SITE PLAN REVIEW

Moved by Councilmember Trautmann, seconded by Councilmember Plan to pass the 2nd Reading of an Ordinance Amending Section 10.24, Subdivision 3 and adding Subdivision 5 relating to site plan approval and developer's agreement. 6 Ayes; Naves, None.

REVISED SITE  
PLAN-14TH &  
VERMILLION ST.

Moved by Councilmember Werner, seconded by Councilmember Berg to approve the revised site plan for an Office Building for Dr.'s Nelson and Slapnicher at 14th & Vermillion subject to the Planning Commissioner recommendations. 6 Ayes; Naves, None.

1. The amount of parking proposed is based on 2400 square feet of net building floor area. Upon review of final building plans the net floor area can not exceed 2400 square feet without the parking issue again being addressed.
2. The applicant is to utilize existing sewer and water services if possible.
3. The applicant is to receive necessary permits from MN/DOT and the City regarding the planting of trees and shrubbery in the boulevard along Highway 61 and 14th Street.
4. The applicant is to restore all boulevard areas with black dirt and sod.
5. The construction of the building and all assessorly items (landscaping, parking lot, curbing, etc.) shall be completed as per the revised site plan dated June 4, 1986. Upon request for occupancy of the building all uncompleted items contained within the site plan shall be addressed pursuant to the escrow requirement and the site plan review provisions contained within the zoning ordinance Section 10.24.

HOME OCCUPATION  
PERMIT-THOMAS  
CLAFLIN-1306  
WEST 22ND ST.

Moved by Councilmember Trautmann, seconded by Councilmember Werner to approve the Home Occupation permit for Mr. Thomas Claflin, 1306 W. 22nd Street to conduct a garment silkscreening operation in his home. 6 Ayes; Naves, None.

Councilmember Kulzer returned to the meeting.

RENEWAL OF HOME  
OCCUPATION  
PERMITS

Moved by Councilmember Nesbitt, seconded by Councilmember Trautmann to have spot checks or random inspections done on the existing home occupation permits and when the permits are renewed that the copy of the ordinance pertaining to limitations be distributed with the permit. 7 Ayes; Naves, None.

2ND READING-  
ABSENTEE BALLOT  
BOARD

Moved by Councilmember Plan, seconded by Councilmember Werner to pass the 2nd Reading of an Ordinance Amending Chapter 2, Section 2.57 of the City Code establishing an Absentee Ballot Board at City Hall. 7 Ayes; Naves, None.

Moved by Councilmember Bond, seconded by Councilmember Trautmann to pass the 1st Reading of the proposed Charter Amendments and to set a public hearing for the July 21, 1986 regular City Council meeting. 7 Ayes; Nayes, None.

1ST READING-  
CHARTER AMEND-  
MENTS

Moved by Councilmember Werner, seconded by Councilmember Berg to set a special meeting for June 25, 1986 at 4:45 p.m. in the City Hall Council Chambers to canvass the returns of the special election. 7 Ayes; Nayes, None.

SPECIAL MEETING  
CANVASS OF  
ELECTION  
RETURNS

Moved by Councilmember Trautmann, seconded by Councilmember Werner to accept staff's recommendation to fill the vacant parkkeeper position and to authorize the posting for the Parkskeeper position or advertise if no one responds and to amend the City Budget as follows:

PARKKEEPER  
POSITION

1. Revenue, Interest on Investments \$50,000 to \$70,000.
2. Parks & play grounds Account No. 400 to 450
  - 101 Regular Salaries \$120,544 to \$130,112
  - 121 PERA & Social Security \$14,550 to \$15,640
  - 130 Insurance Group \$12,000 to \$13,080
  - 111 Severance Pay \$5,600 to \$2,100
3. General Fund Legal Acct #100-416
  - 311 District Court Litigation \$2,400 to \$4,670
4. General Fund Contingency Acct #100-492
  - 450 Miscellaneous \$0 to \$9,492

6 Ayes; Councilmember Bond was absent for the vote, Nayes, None.

Moved by Councilmember Werner, seconded by Councilmember Plan to approve the temporary 3.2 Beer License for the Hastings Independant Slow Pitch League for July 12th & 13th, August 9th & 10th and August 23rd & 24th, 1986. 7 Ayes; Nayes, None.

TEMPORARY 3.2  
BEER LICENSE

Moved by Councilmember Werner, seconded by Councilmember Trautmann to approve the proposal by John W. Gorman, Incorporated for the Hydro-graphic survey for the Model Study at Lock and Dam No. 2 to be performed for the lump sum amount of \$16,500. 7 Ayes; Nayes, None.

MODEL STUDY  
SURVEY-HYDRO  
PLANT

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to set a special closed door meeting for June 25, 1986 at 5:00 p.m. in the City Hall Council Chambers to discuss with the City Attorney legal matters. 7 Ayes; Nayes, None.

SPECIAL CLOSED  
MEETING-LEGAL  
COUNSEL

Moved by Councilmember Trautmann, seconded by Councilmember Berg to remove from the table Resolution No. 55-86 regarding the No Wake within the city limits. 7 Ayes; Nayes, None.

NO WAKE  
RESOLUTION-  
NO. 55-86

Moved by Councilmember Trautmann, seconded by Councilmember Berg to have the No Wake signs removed from the Mississippi River while the water is at its present level or lower. The current elevation level of the Mississippi River is 680. 5 Ayes; Nayes, Kulzer and Plan.

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to accept the Public Safety Committee's recommendation that the Assistant Fire Chief receive time and a half pay for over-time hours worked as a volunteer firefighter, retroactive to January 1, 1986. This motion would also amend the Personnel Policy for this position. 6 Ayes; Nayes, Berg.

SAFETY  
COMMITTEE  
REPORT-  
ASSISTANT  
FIRE CHIEF

Moved by Councilmember Werner, seconded by Councilmember Trautmann to:

CONSENT AGENDA

1. Pay all bills as audited. 7 Ayes; Nayes, None.

Moved by Councilmember Bond, seconded by Councilmember Berg to adjourn the meeting at 9:32 p.m. 7 Ayes; Nayes, None.

ADJOURNMENT

\_\_\_\_\_  
Mayor

ATTEST

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

The City Council of the City of Hastings, Minnesota met in a Special meeting on Wednesday, June 25, 1986 at 4:45 p.m. in the Council Chambers of the City Hall.

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

Members Absent: None.

The purpose of the meeting was to canvass the results of the Special Election held on Tuesday, June 24, 1986.

Councilmember Trautmann introduced the following Resolution and moved its adoption: RESOLUTION NO. 1  
86 CANVASS OF  
SPECIAL ELECTION  
RETURNS

Resolution on Special Election

The results of the canvass of votes in the four (4) wards of the City for the Special Election held therein on Tuesday, June 24, 1986 the same are declared to be as follows:

Charter Amendment No. 1

Shall Charter Amendment No. 1 be adopted, relating to changing the composition of the Council from eight (8) persons elected from Wards, to six (6) persons, of which two (2) persons would be elected at-large and four (4) persons would be elected from Wards?

	Yes	No	
Ward 1	43	88	
Ward 2	109	71	Total Votes 502
Ward 3	57	38	% passed 52.7%
Ward 4	<u>56</u>	<u>40</u>	
Total	265	237	

Charter Amendment No.2

Shall Charter Amendment No. 2 be adopted, relating to changing the term of the Mayor, beginning with the election in 1986, from two (2) years to four (4) years, allowing the Mayor to vote as a member of the City Council, permitting the Mayor to make and second motions while presiding at a City Council meeting, and removing the veto power of the Mayor?

	Yes	No	
	62	68	
	116	63	Total Votes 500
	52	43	% passed 59.0%
	<u>65</u>	<u>31</u>	
Total	295	205	

Charter Amendment No. 3

Shall Charter Amendment No. 3 be adopted, providing that the City Administrator shall be the chief administrative officer of the City and in charge of day-to-day activities, and describing the specific powers and duties of the City Administrator?

	Yes	No	
Ward 1	55	76	
Ward 2	107	73	Total Votes 502
Ward 3	58	37	% passed 55.1%
Ward 4	<u>57</u>	<u>39</u>	
Total	277	225	

Charter Amendment No. 4

Shall Charter Amendment No. 4 be adopted, clarifying the powers and duties of the Mayor regarding the law enforcement and the Police Department of the City?

	Yes	No	
	64	67	
	130	50	Total Votes 502
	66	29	% passed 65.1%
	<u>67</u>	<u>29</u>	
Total	327	175	

Charter Amendment No. 5

Shall Charter Amendment No. 5 be adopted, providing that in order for an item to be considered at a City Council meeting, the item must be submitted at least five (5) calendar days prior to the scheduled meeting; and further providing that a unanimous vote of the City Councilpersons present would allow for the immediate consideration of an item?

	Yes	No	
Ward 1	74	57	
Ward 2	137	43	Total Votes 502
Ward 3	76	19	% passed 71.1%
Ward 4	<u>70</u>	<u>26</u>	
Total	357	145	

Be It Resolved that the City Council finds from said canvass that the following received 51.0% or higher and declares the following charter amendments are adopted.

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, or at large councilperson, the petitioners may reside anywhere in the City of Hastings. If the office is that of a ward councilperson councilman, the person nominated shall reside in the ward from which he or she seeks election, and the signators 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.

SECTION 2.07. PRESENT ELECTIVE OFFICIALS TO CONTINUE TERM. All members of the City Council of the City of Hastings as of the date hereof shall hold their respective offices until their terms of office expire by operation of law. Nothing in this Chapter shall be construed to limit their term of office, except that the terms of office of any elected City official, the number of wards and ward representation may be changed or altered upon the recommendation of a duly appointed Charter Commission and amendment to this Charter as provided by law.

SECTION 3.02. ELECTIVE OFFICERS. COUNCIL COMPOSITION AND ELECTION. ~~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.~~ The Council shall be composed of a mayor and six members of the city council, two of whom shall be elected at large for a term of four (4) years at the 1986 City election. One member of the Council shall be elected from each ward of the City for a term of four (4) years at the 1988 City election. All of said elective officers shall be qualified electors and residents in and of the City of Hastings, and in the case of ward councilman councilpersons, residents of the ward from which they are elected. Candidates for ward Council seats shall be residents of the ward from which they seek office for at least thirty (30) days prior to the primary election. Candidates for at large Council seats shall be residents of the City for at least thirty (30) days prior to the primary election. ~~The Mayor shall serve for a period of two (2) years and until his successor is duly elected and qualified.~~ Councilman 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 Councilman Councilpersons.

## 2. MAYOR

SECTION 3.025. THE MAYOR. Notwithstanding any provisions of this Charter to the contrary, beginning at the 1986 general city election, the Mayor shall be elected and serve for a period of four (4) years and until his or her successor is duly elected and qualified. The Mayor shall be a qualified elector and resident in and of the City of Hastings for at least thirty (30) days prior to the primary election. The Mayor shall preside at meetings of the Council and shall have a vote as a member. Likewise, the Mayor may act as a member of the Council, make and second motions while presiding at Council meetings.

SECTION 3.04. ACTING MAYOR. At the first regular Council meeting of the year, and at such other times 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, provided that at the first regular Council meeting of the year following the general municipal election, the Council shall choose from its members an acting mayor as provided in section 3.04. 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. In time of declared public emergency, the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

~~6 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 have a vote as a member of the Council. 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. The Mayor shall study the operations of the City Government, shall report to the Council any neglect, 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 3.07. -- MAYOR VETO POWER. -- Every ordinance approved by the City Council shall, before it takes effect, be presented to the Mayor for his approval. -- If he approves of it, he shall sign the ordinance. -- If he disapproves of it, he shall return it to the City Council with his objection appended thereto by depositing the ordinance with his 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 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 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.~~

### 3. CITY ADMINISTRATOR

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 this Charter or 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.

SECTION 3.11. THE CITY ADMINISTRATOR. The City Administrator shall be the chief administrative officer of the City. He or she shall be chosen by the council solely on the basis of his or her training, experience, executive and administrative qualifications. He or she need not be a resident of the City at the time of his or her appointment but may reside outside the City while in office only with the approval of the council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the Council; but after he or she has served as Administrator for one year, he or she may demand written charges and a public hearing on the charges before the council prior to the date when his or her final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the Administrator or make his or her removal final. Pending the hearing and removal, the council may suspend the Administrator from office. With the approval of the council, the Administrator may designate some properly qualified person to perform the duties of the Administrator during his or her absence or disability or while the Office is vacant.

#### SECTION 3.12. POWERS AND DUTIES OF THE CITY ADMINISTRATOR.

Subdivision 1. The City Administrator shall be responsible to the council for the administration of the City's affairs and shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. The City Administrator shall see that this charter and the laws, ordinances and resolutions of the City are enforced.

Subdivision 3. The City Administrator shall appoint and remove upon the basis of merit and/or fitness alone, all employees of the City, other than employees of the Police Department, except that he or she shall receive council approval to either appoint or remove department heads established by either resolution or ordinance.

Subdivision 4. The City Administrator shall exercise control over all departments and divisions of the City Administration created by this charter or by the council, except the police department. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative services solely through the City



4. LAW ENFORCEMENT - MAYOR

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

SECTION 3.06. MAYOR - LAW ENFORCEMENT. The Police Department of the City of Hastings shall be administered and directed by the Chief of Police appointed by the Mayor with approval of the City Council under Civil Service Rules. The Department shall be composed of the Chief of Police and such other, number and rank of personnel as may be authorized and budgeted for by the City Council under Civil Service Rules. The Mayor shall be the appointing authority for purposes of appointment, promotion or dismissal in consultation with the Chief of Police under Civil Service Rules. The Chief of Police shall be responsible to and accountable to the Mayor for the direction, administration, efficiency, effectiveness and discipline of the Police Department, for the deployment of Police Department personnel and for the services of the Police Department to the public in accordance with the Ordinances of the City of Hastings and in accordance with State and Federal Law. All persons appointed or promoted to the Police Department shall be persons qualified and certified by the Police Civil Service Commission of the City of Hastings in accordance with State of Minnesota Statutes. The Mayor may appoint citizens including Council Persons to a Commission or Committee to advise the Mayor on police matters but the authority of said Commission or Committee shall be advisory only.

5. COUNCIL AGENDA ALTERNATIVES

SECTION 4.035. In order to consider an item at a regular meeting of the City Council, the item must be submitted to the City Clerk at least five (5) calendar days prior to the scheduled regular meeting of the City Council. Any item not submitted to the City Clerk at least five (5) calendar days prior to a regular meeting of the City Council shall be deferred until the next regular City Council meeting and referred to committee and staff for study and recommendation unless those members of the City Council present vote unanimously to consider it immediately.

Be It Further Resolved, that the City Staff is hereby directed to record changes with the Secretary of State and the County Recorder.

Councilmember Plan seconded the motion to adopt said Resolution and the same was passed by the following vote:

8 Ayes; 0 Nays

\_\_\_\_\_  
Mayor

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

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to adjourn the meeting at 4:53 p.m. 8 Ayes; Nays, None

ADJOURNMENT

MINUTES OF HASTINGS PLANNING COMMISSION

Monday, June 23, 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, Kaiser, Conzemius, Anderson, Voelker, & Chairman Simacek.

Members Absent: None

Staff Present: Planning Director Harmening

Commissioner Kaiser moved, seconded by Commissioner Stevens, to approve the June 9, 1986 Planning Commission Minutes. Voice vote carried unanimously.

MINUTES

Chairman Simacek opened the Public Hearing at 7:31 p.m. There being no comments from the audience the Chairman closed the public hearing at 7:32 p.m.

PUBLIC HEARING-  
ZONING DESIGNATION FOR  
MALCOLM AVENUE  
(SUNNY ACRES PLAT)

The Planning Director briefly reviewed the matter before the Planning Commission. In this case, with the recent annexation of the properties abutting Malcolm Avenue located in southeast Hastings the City is required to establish a zoning designation for said properties. In this case it is proposed that the properties in question be zoned under an R-2 Medium Density Residential Zoning Designation. The Planning Director reviewed the permitted uses in the R-2 zone and discussed other miscellaneous matters with the Planning Commission.

After discussion a motion was made by Commissioner Stevens, seconded by Commissioner Conzemius, to recommend to the City Council that the recently annexed Malcolm Avenue properties (Sunny Acres Plat) be zoned under an R-2 Medium Density Residential zoning designation. This recommendation is made based in part on the zoning and types of development adjacent to Malcolm Avenue as well as the fact that there currently exists or has been two family housing in the Malcolm Avenue area previously. In addition, an R-2 zoning designation would be consistent with the Comprehensive Plan for the area. Upon vote taken, Ayes, 9; Nays, 0.

The Planning Director briefly reviewed with the Planning Commission the proposed final plat for the Valley West 2nd Addition. The Planning Director noted that upon review it appeared that the final plat was consistent with the preliminary plat which was approved by the City Council on June 2, 1986. The Planning Director noted that the configuration of the cul-de-sac in the final plat takes into consideration the City Councils approval of the placement of a planting island in the cul-de-sac.

FINAL PLAT-VALLEY  
WEST 2ND ADDN.-  
CONZEMIUS BROTH

After discussion a motion was made by Commissioner Ditty, seconded by Commissioner Kaiser, to recommend approval of the final plat for the Valley West 2nd 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 during the rezoning and preliminary plat review. Upon vote taken, Ayes, 8; Nays, 0; Commissioner Conzemius abstained.

The Planning Director reviewed with the Planning Commission the proposed final plat for the Bauer View 2nd Addition. The Planning Director noted that with the exception of several items it appeared the final plat was consistent with the preliminary plat which was approved by the City Council on April 21st, 1986. The Planning Director noted that the differences between the preliminary plat and final plat were as follows:

- A. The preliminary plat illustrated eight lots surrounding the cul-de-sac. The proposed final plat illustrates seven lots. The Planning Director noted that this change appeared acceptable.
- B. The configuration of the cul-de-sac on the preliminary plat illustrated the standard cul-de-sac design for the City of Hastings. Due to the recent approval of the placement of a planting island in a cul-de-sac in a separate plat, the developer is now proposing a cul-de-sac configuration which will accommodate a planting island as well. The Planning Director noted that this proposal was not in place at the time of preliminary plat approval and that the Planning Commission will need to address the developers request to place a planting island within the cul-de-sac.
- C. On the preliminary plat the developer proposed to name the cul-de-sac Southview Circle. The original proposed street name presented concerns to staff as it was very similar to an existing cul-de-sac called Southview Court. The Planning Director noted that on the final plat the developer now proposes to call the cul-de-sac Southview Place. The Planning Director stated that the name change would be appear acceptable.
- D. On the east side of the plat the developer proposes to relocate an existing watermain and related easement such that a more buildable lot area will be provided for on lot 10, block 1. The Planning Director noted that the proposed action would not appear unacceptable except that the existing portion of the easement which will no longer be needed will have to be vacated prior to recording the plat.

The Planning Commission discussed the proposed changes and felt that items A, C, D would appear acceptable. The Planning Commission did express concern with the proposed planting island in the cul-de-sac as it was felt it might constitute a hazard to traffic due to the sharp curve into the cul-de-sac bubble. The developer provided a sketch which illustrated the approximate future location of the curb and gutter, street, and planting island in the cul-de-sac. Upon reviewing the sketch it was felt that the planting island would not appear to present a great hazard. It was also noted that the anticipated traffic count in the cul-de-sac would be low.

After discussion a motion was made by Commissioner Stevens, seconded by Commissioner Conzemius, to recommend approval of the final plat with the changes as proposed subject to a developers agreement being entered into to take into consideration, but not limited to, those items of concern which were brought forward during the rezoning and preliminary plat as well as final plat review process. This approval is also subject to the requirement that the developer work closely with the City Engineering Dept. 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. Upon vote taken, Ayes, 9; Nays, 0.

A motion was made by Commissioner Kaiser, seconded by Commissioner Voelker, that a public hearing be held at 7:30 p.m. on July 14, 1986 regarding the minor subdivision of lot 2, block 1, of Westview 2nd Addition as proposed by Hertogs, Fluegel, Sieben, Polk, Jones, and LaVerdiere. Upon vote taken, Ayes, 9; Nays, 0.

ORDER PUBLIC  
HEARING-MINOR  
SUBDIVISION OF  
LOT 2, BLOCK 1,  
OF WESTVIEW 2ND  
ADDITION

The Planning Director reviewed the following items with the Planning Commission.

OTHER BUSINESS

- A. Update on recent City Council actions.
- B. The Planning Director informed the Planning Commission that in the upcoming months City Staff would hopefully be preparing an updated Capital Improvements Plan. It was noted that this process involves Planning Commission input.

A motion was made by Commissioner Kaiser, seconded by Commissioner Folch, to adjourn the Planning Commission meeting at 8:00 p.m. Upon vote taken, Ayes, 9; Nays, 0.

ADJOURNMENT

City of Hastings, Minnesota  
100 Sibley Street  
Hastings, Minnesota

Minutes of Bid Opening  
(July 1, 1986 - 2:00 P.M.)

1986 Sealcoating Bids

Attending the meeting were:

Barb Thompson, Deputy Clerk, City of Hastings  
J.J. Kleinschmidt, City Engineer, City of Hastings  
Keith Rosch, Street Superintendent, City of Hastings  
Harold Mahowald, Ace Blacktop Co., Inver Grove Heights, MN  
Bruce Batzer, Batzer Construction Co, St. Cloud, MN

Bids were opened and read aloud as follows:

<u>Bidder</u>	<u>Bid Security</u>	<u>Net Bid</u>	<u>Representative Attending</u>
1. Ace Blacktop 7280 Dickman Trail Inver Grove Hts., MN 55075	5% Bid Bond	\$53,731.20	Harold Mahowald
2. Allied Blacktop Co. 10503 89th Ave. Maple Grove, MN 55369	5% Bid Bond	\$41,641.20	---
3. Batzer Construction Co. P.O. Box 1025 St. Cloud, MN 56301	\$2150. Cert. Check	\$42,990.00	Bruce Batzer
4. Hi Way Surfacing Seal Coating Contractors Box 501 Marshall, MN 56258	5% Bid Bond	\$47,993.00	---
5. Buffalo Bituminous Inc. P.O. Box 337 Buffalo, MN 55313	5% Bid Bond	\$48,924.00	--

ATTEST:

  
J.J. Kleinschmidt, City Engineer

City of Hastings  
Dakota County, Minnesota

Resolution No. \_\_\_\_\_

RESOLUTION RECEIVING BIDS AND AWARDING CONTRACT FOR 1986 SEALCOATING WORK

WHEREAS, plans and specifications were prepared for this work and bids were requested, and

WHEREAS, on June 2, 1986 the City Council did receive the specifications and authorize the advertsiement for bids for the 1986 Seal Coating Work, and

WHEREAS, bids were received and are tabulated as follows:

<u>BIDDER</u>	<u>BID PRICE</u>
Ace Blacktop	\$53,731.20
Allied Blacktop	\$41,641.20
Batzer Construction Co.	\$42,990.00
Hi-Way Surfacing	\$47,993.00
Buffalo Bituminous	\$48,924.00

WHEREAS, it appears that Allied Blacktop, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Minnesota;

That the Mayor and the City Clerk are hereby authorized and directed to enter into a contract with Allied Blacktop in the amount of \$41,641.20 for completion of the 1986 Seal Coating Work in accordance with the plans and specifications on file in the office of the City Engineer.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS THIS 7TH DAY OF JULY, 1986.

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

ATTEST:

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

TABULATION OF BIDS

1986 Sealcoating Work

Bids Received Tuesday, July 1, 1986

Recorded by: J.J. Kleinschmidt

BIDDER	BID SECURITY	STARTING DATE	COMPLETION DATE	AMOUNT OF BID
Ace Blacktop Inver Grove Heights	5% Bid Bond		September 1, 1986	\$53,731.20
Allied Blacktop Maple Grove, MN	5% Bid Bond		September 1, 1986	\$41,641.20
Batzer Const. St. Cloud, MN	\$2150 Certified Check		August 20, 1986	\$42,990.00
Hi Way Surfacing Marshall, MN	5% Bid Bond		August 19, 1986	\$47,993.00
Buffalo Bituminous Buffalo, MN	5% Bid Bond		September 1, 1986	\$48,924.00

Authority: 1986 Budget

Council Action: Approved Specifications and ordered Advertisement for Bids on June 2, 1986

Engineers Estimate:

Recommendation: Award to Low bidder Allied Blacktop Co. in the amount of \$41,641.20

Budget Appropriation: \$45,000 - Street Department Budget

VIA

MEMO

Date: July 3, 1986

To: Mayor & City Council

From: Tom Harmening, City Planner

Re: Final Plat - Valley West 2nd Addition - Conzemius Brothers  
Third Reading - Rezoning from P-I and Ag. to R-2

Attached, for your review, is the proposed final plat for Valley West 2nd Addition. Upon review it appears the final plat is consistent with the preliminary plat which was approved by the City Council on June 2, 1986. As you will note the configuration of the cul-de-sac in the final plat takes into consideration the City Councils approval of the placement of a planting island in the cul-de-sac.

Also attached, for a third reading, is the proposed zoning ordinance amendment which rezones the properties within the plat from an Ag & P-I designation to R-2 Medium Density Residential.

Recommendation:

The Planning Commission recommended approval of the final plat subject to a developers agreement being entered into to take into consideration, but not limited to, those items of concern which were brought forward during the rezoning and preliminary plat review. It is further recommended that the third reading of the rezoning be approved.



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:

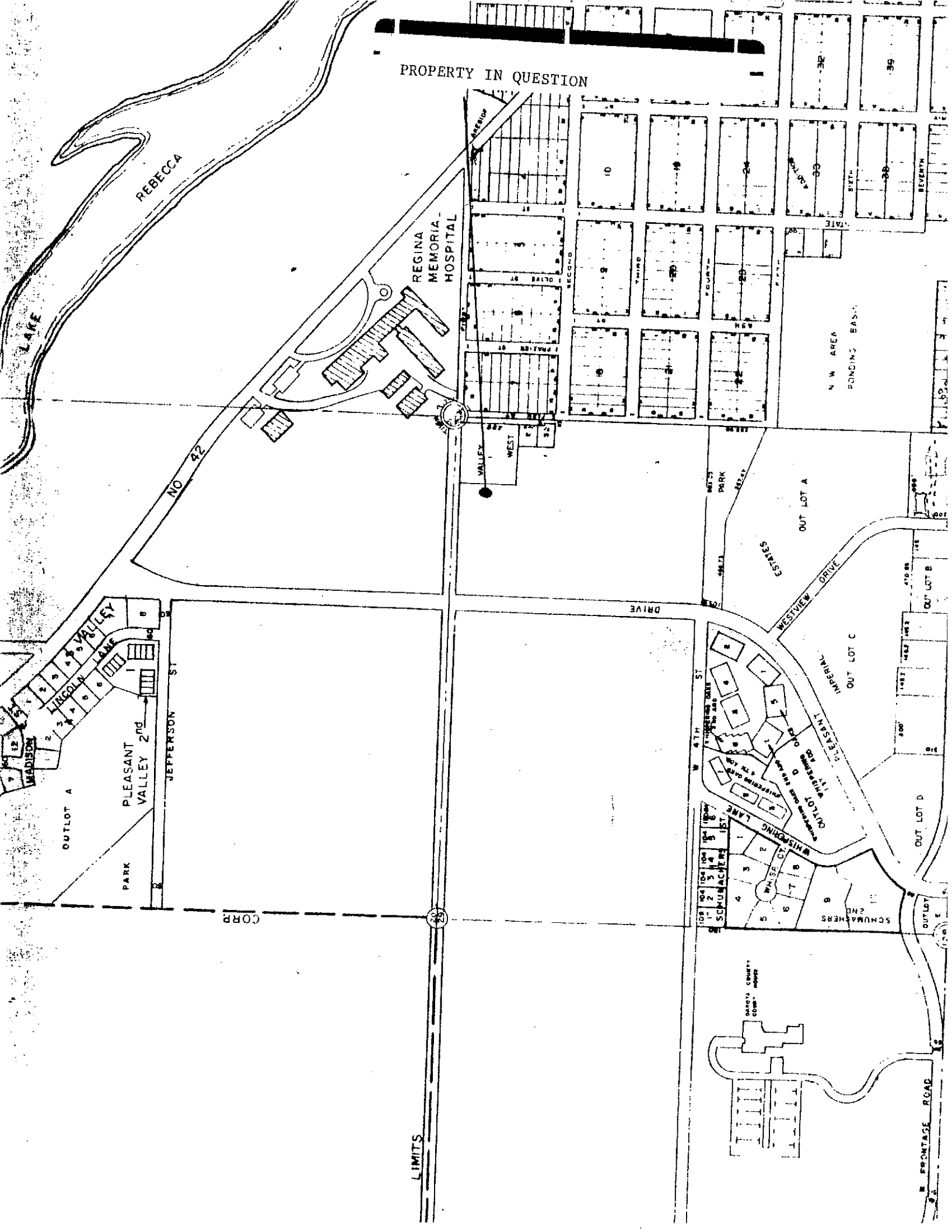
The Property described as Valley West Second Addition is hereby rezoned from Agricultural and P-I to R-2 Medium Density Residential.

ADOPTED BY THE COUNCIL THIS DAY OF 1986.

ATTEST:

Gary E. Brown, City Administrator/Clerk

LuAnn Stoffel, Mayor



PROPERTY IN QUESTION

REBECCA LAKE

REGINA MEMORIA HOSPITAL

NO 42

N W AREA PONDING BASIN

OUT LOT A

ESTERES DRIVE

OUT LOT C

WESTVIEW DRIVE

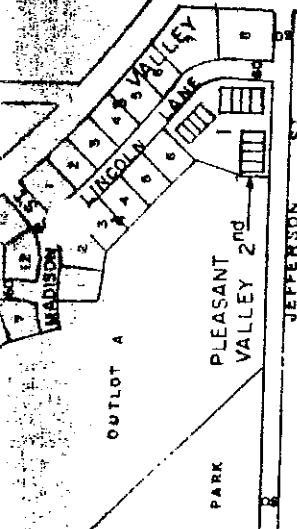
OUT LOT D

SCUMMERS 2ND

FRONTAGE ROAD

LIMITS

CORP

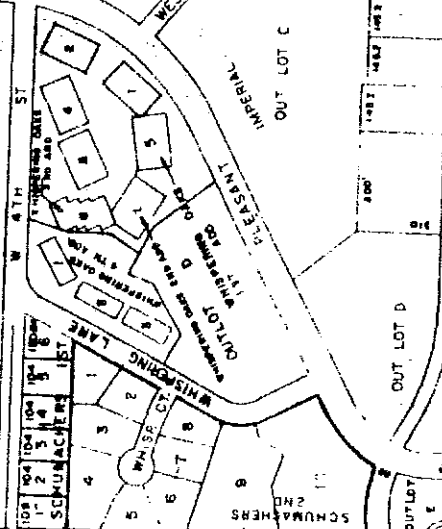


PLEASANT VALLEY 2<sup>nd</sup>

JEFFERSON ST

OUTLOT A

PARK



WISCONSIN LANE

WISCONSIN ST

SCUMMERS 2ND

W 4<sup>TH</sup> ST

WISCONSIN DRIVE

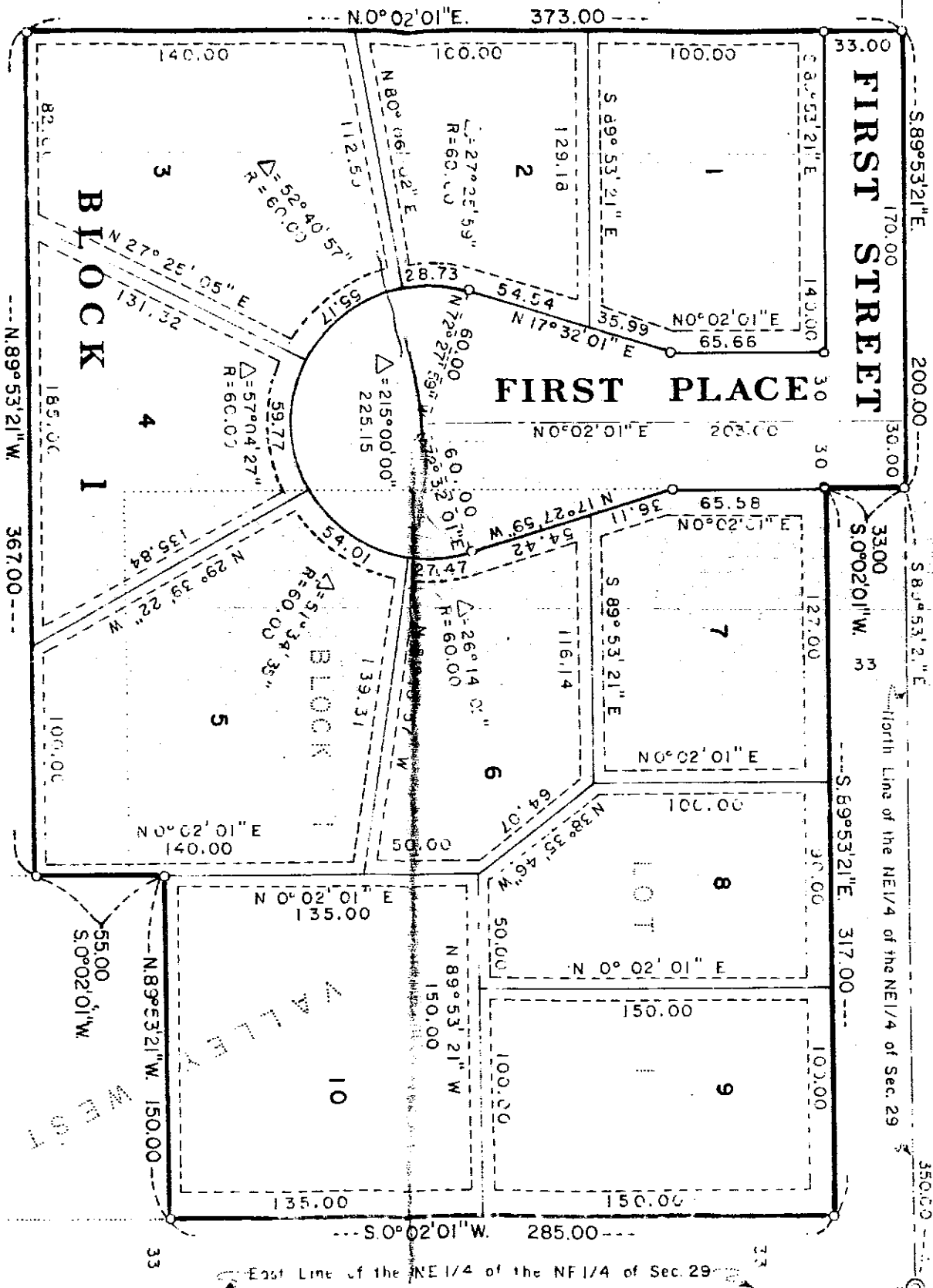
PLEASANT VALLEY 2<sup>nd</sup>

OUTLOT C

VICINITY MAP

DWYER & ASSOCIATES, INC.

Land Surveyors



East Line of the NE 1/4 of the NE 1/4 of Sec. 29

North Line of the NE 1/4 of the NE 1/4 of Sec. 29

## MEMO

Date: July 3, 1986

To: Mayor & City Council

From: Tom Harmening, City Planner

Re: Final Plat and 3rd Reading for Rezoning to R-1 - Bauer View 2nd  
Addition - Willard Bauer

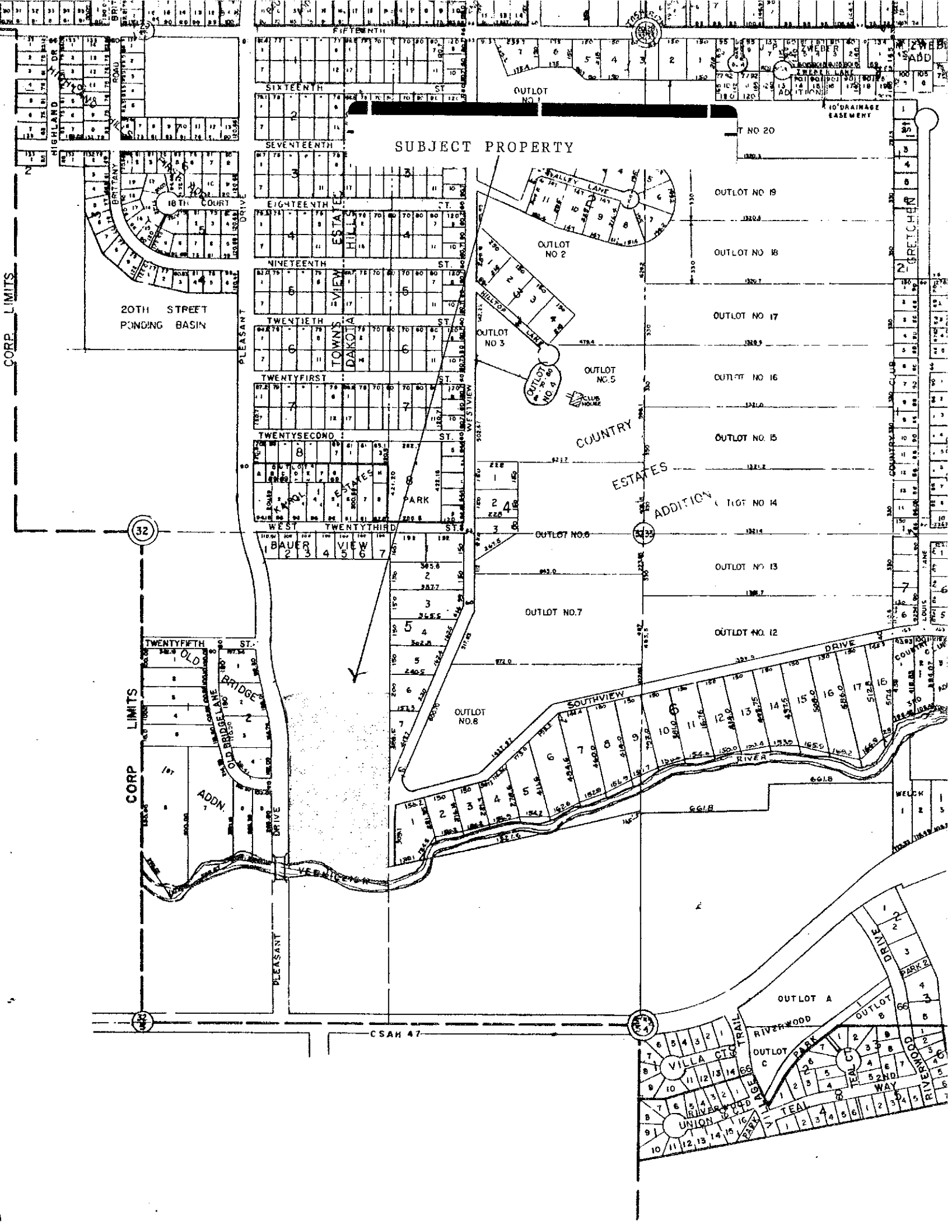
Attached, for your review, is the proposed final plat for Bauer View 2nd Addition. With the exception of the items listed below it appears the final plat is consistent with the preliminary plat which was approved by the City Council on April 21, 1986. The differences between the preliminary plat and final plat are as follows:

- A. The preliminary plat illustrated eight lots surrounding the cul-de-sac. The proposed final plat illustrates seven lots. The Planning Commission felt this change was acceptable.
- B. The configuration of the cul-de-sac on the preliminary plat illustrated the standard cul-de-sac design for the City of Hastings. Due to the recent approval of the placement of a planting island in a cul-de-sac in a separate plat the developer is now proposing a cul-de-sac configuration which will accomodate a planting island as well. This proposal was not in place at the time of preliminary plat approval. The Planning Commission felt the proposed planting island was acceptable.
- C. On the preliminary plat the developer proposed to name the cul-de-sac Southview Circle. The original proposed street name presented concerns to staff as it was very similar to an existing cul-de-sac called Southview Court. As you will note on the final plat the developer now proposes to call the cul-de-sac Southview Place. The Planning Commission felt the street name was acceptable.
- D. Located on the east side of the plat is an easement for an existing watermain. Upon going through the platting process the Developer has found that the actual location of the watermain is not within the easement as described. Therefore, the Developer is proposing to provide the necessary easement in the actual location of the watermain. As a part of this the Developer is requesting that the City release, through a Quit Claim Deed, the easement now in place. Assuming all legal concerns can be satisfied regarding this matter it would appear the proposal by the Developer is acceptable. (See attached letter from the Developer).

Also, attached for a third reading is an amendment to the Zoning Ordinance which rezones the plat from an R-3 designation to an R-1 designation.

Recommendation: The Planning Commission recommended approval of the final plat with the changes as proposed 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 home 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.

jt



SUBJECT PROPERTY

20TH STREET PONDING BASIN

OUTLOT NO. 1

OUTLOT NO. 19

OUTLOT NO. 18

OUTLOT NO. 17

OUTLOT NO. 16

OUTLOT NO. 15

OUTLOT NO. 14

OUTLOT NO. 13

OUTLOT NO. 12

OUTLOT NO. 2

OUTLOT NO. 3

OUTLOT NO. 5

OUTLOT NO. 6

OUTLOT NO. 7

OUTLOT NO. 8

OUTLOT A

OUTLOT B

OUTLOT C

CSAH 47

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July 2, 1986

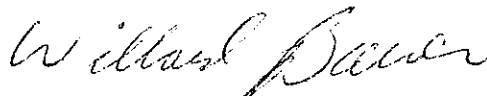
Honorable Mayor LuAnn Stoffel  
and City Council Members  
100 Sibley Street  
Hastings, MN 55033

RE: BAUER VIEW 2ND ADDITION

Dear Mayor and City Council Members:

With respect to the approval of the final plat of Bauer View 2nd Addition there will be a dedication of an easement for the relocation of the existing water line along the easterly boundary line of the property. It is my understanding that the City of Hastings previously acquired an easement for the location of the water line by grant pursuant to the terms of a Quit Claim Deed. In order to establish marketable title the City of Hastings will have to relinquish their existing easement rights. Upon the filing of the plat the dedication will then include the dedication of an easement for the water line for its new location. Accordingly I respectfully request that as a part of the resolution approving the final plat the resolution include a provision authorizing the appropriate officers of the City of Hastings to execute and deliver on behalf of the City of Hastings a Quit Claim Deed extinguishing the existing easement rights.

Very truly yours,



Willard Bauer

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:

The Property described as Bauer View 2nd Addition is hereby rezoned  
from R-3 to R-1.

ADOPTED BY THE COUNCIL THIS                      DAY OF                      1986.

ATTEST:

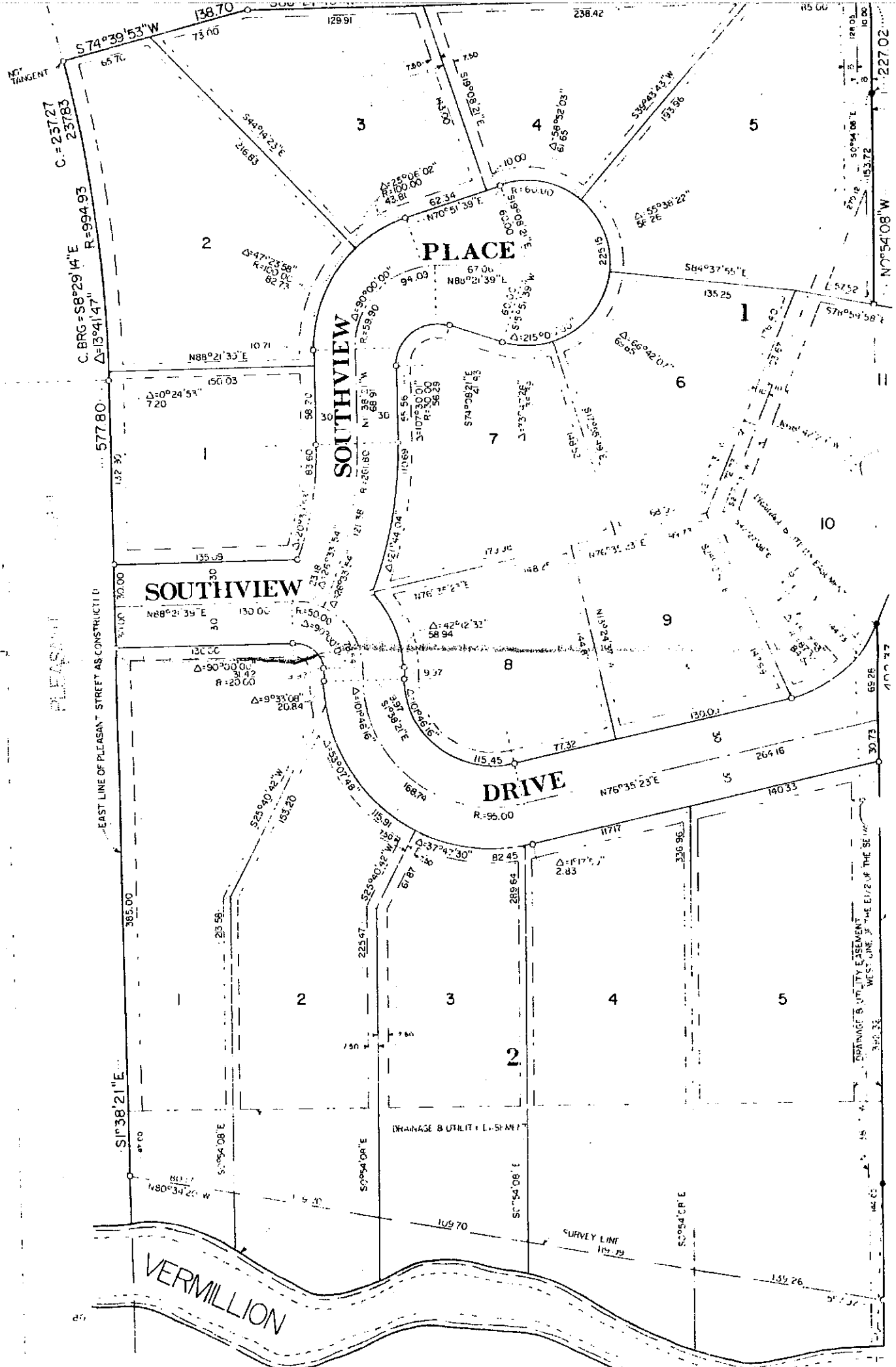
\_\_\_\_\_  
Gary E. Brown, Administrator/Clerk

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



Block 100

100



N7° TANGENT

C. BRG = S8°29'14\"/>

Δ = 13°41'47\"/>

577.80

EAST LINE OF PLEASANT STREET AS CONSTRUCTED

S1°38'21\"/>

S1°38'21\"/>

SOUTHVIEW

SOUTHVIEW

PLACE

DRIVE

VERMILLION

85

N7°54'08\"/>

1227.02

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## MEMO

Date: July 3, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: City zoning designation for Malcolm Avenue properties -  
First Reading.

As we all know the properties abutting Malcolm Avenue (Sunny Acres Plat) were recently annexed to the City of Hastings. With this annexation certain responsibilities and controls, such as zoning, which were previously administered by Marshan Township are now taken over by the City. The task now at hand is to adopt a zoning designation for the Malcolm Avenue area.

On May 16, 1986 I contacted by letter all of the property owners along Malcolm Avenue and explained the required zoning process. I also illustrated the various permitted and special uses in R-1 and R-2 zones. From this contact I received one comment through a letter which is attached for your review. The letter supports an R-2 zoning designation.

On May 27th the Planning Commission ordered that the required public hearing on the zoning be held on June 23, 1986. On June 12th, 1986 the public hearing notice was published in the paper and a mailed notice was sent to the property owners. Within the public hearing notice it was noted that the proposed zoning was an R-2 designation. It should be noted that no comments or questions were received during the Planning Commissions public hearing.

As a point of information there are 47 parcels of property in the Malcolm Avenue area (Sunny Acres Plat; see attached copy of this plat) with most of the lots 100' x 150' in size.

Again, the proposed zoning is an R-2 designation which permits the following uses:

A. R-2 zones - Permitted Uses:

1. One family detached dwellings.
2. Public parks, playgrounds, country clubs, athletic fields and other recreational uses of a non commercial nature.
3. Churches and public and parochial schools.
4. Customary home occupations.
5. two family dwelling, including both new construction and conversions of existing single family dwellings (certain lot areas must be present).
6. Conversion of single family dwellings to three family dwellings (certain lot areas must be met).
7. Farmsteads and agricultural operations including residences of farm owners or tenants.
8. Fire stations, retirement and nursing homes, daycare centers, old age homes, and libraries.

B. R-2 Zones - Uses by Special Permit - None.

Obviously, the predominant land use of the Malcolm Avenue area will be residential in nature. Based on the lot sizes present it would appear that single family, two family dwellings (both new construction and conversions) and conversions of single family dwellings to three family dwellings could be possible assuming that all other code requirements could be met. It would not appear that a large amount of new construction would occur in the Malcolm Avenue area as a great majority of the area is already built up.

The zoning adjacent to Malcolm Avenue is: North - industrial; south - Ag (Marshan Township); east - R-6 manufactured home park; west - R-3 Medium Density residential.

Recommendation:

The Planning Commission recommended that the recently annexed Malcolm Avenue area (Sunny Acres Plat) be zoned under an R-2 Medium density residential zoning designation. This recommendation is made based in part on the zoning and types of development adjacent to Malcolm Avenue as well as the fact there currently exists and/or has been two family housing in the Malcolm Avenue area previously. In addition, an R-2 zoning designation would be consistent with the comprehensive plan for this area. It is further recommended that the City Council schedule the second reading/public hearing for the July 21, 1986 City Council meeting.

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.

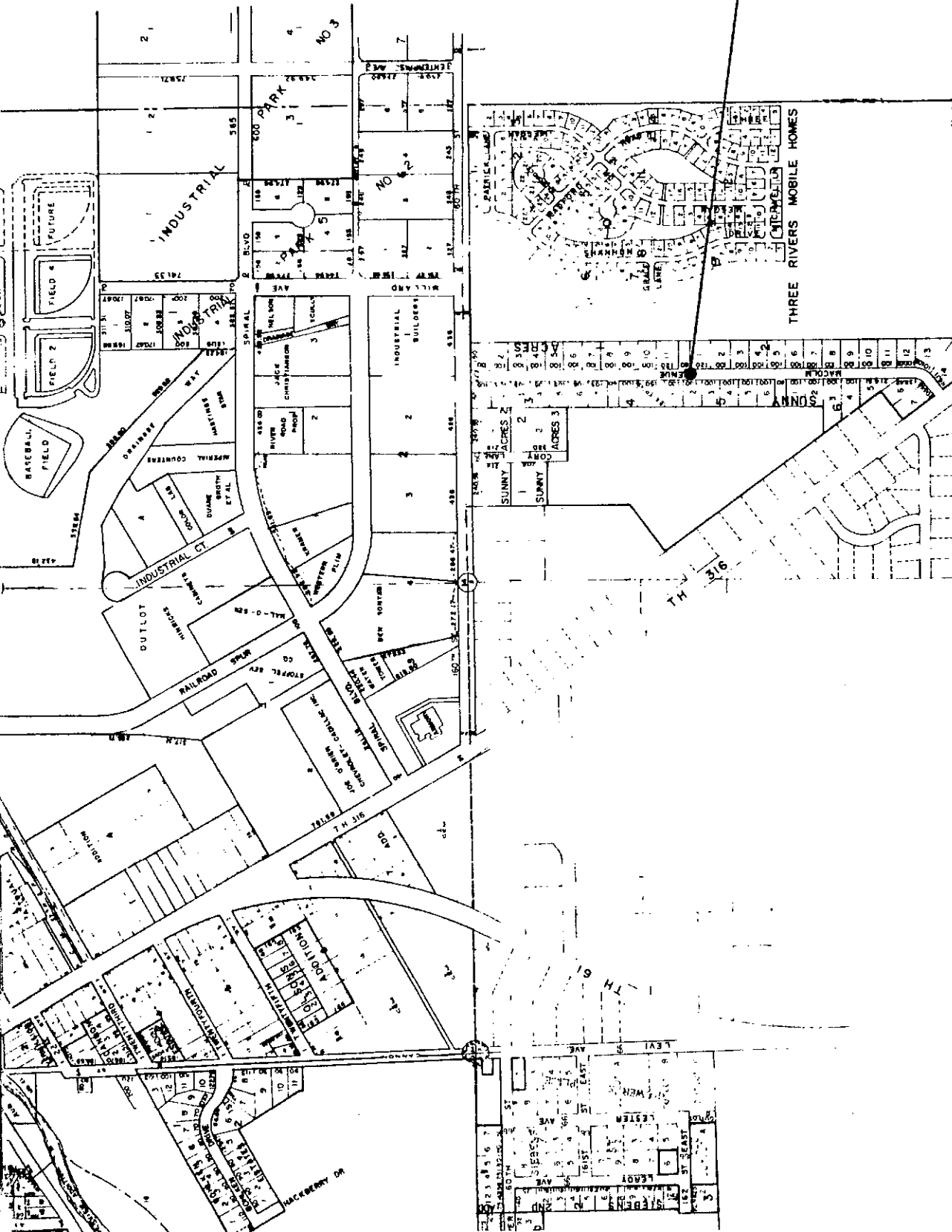
ADOPTED BY THE COUNCIL THIS DAY OF 1986.

ATTEST:

---

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

SUBJECT PROPERTY



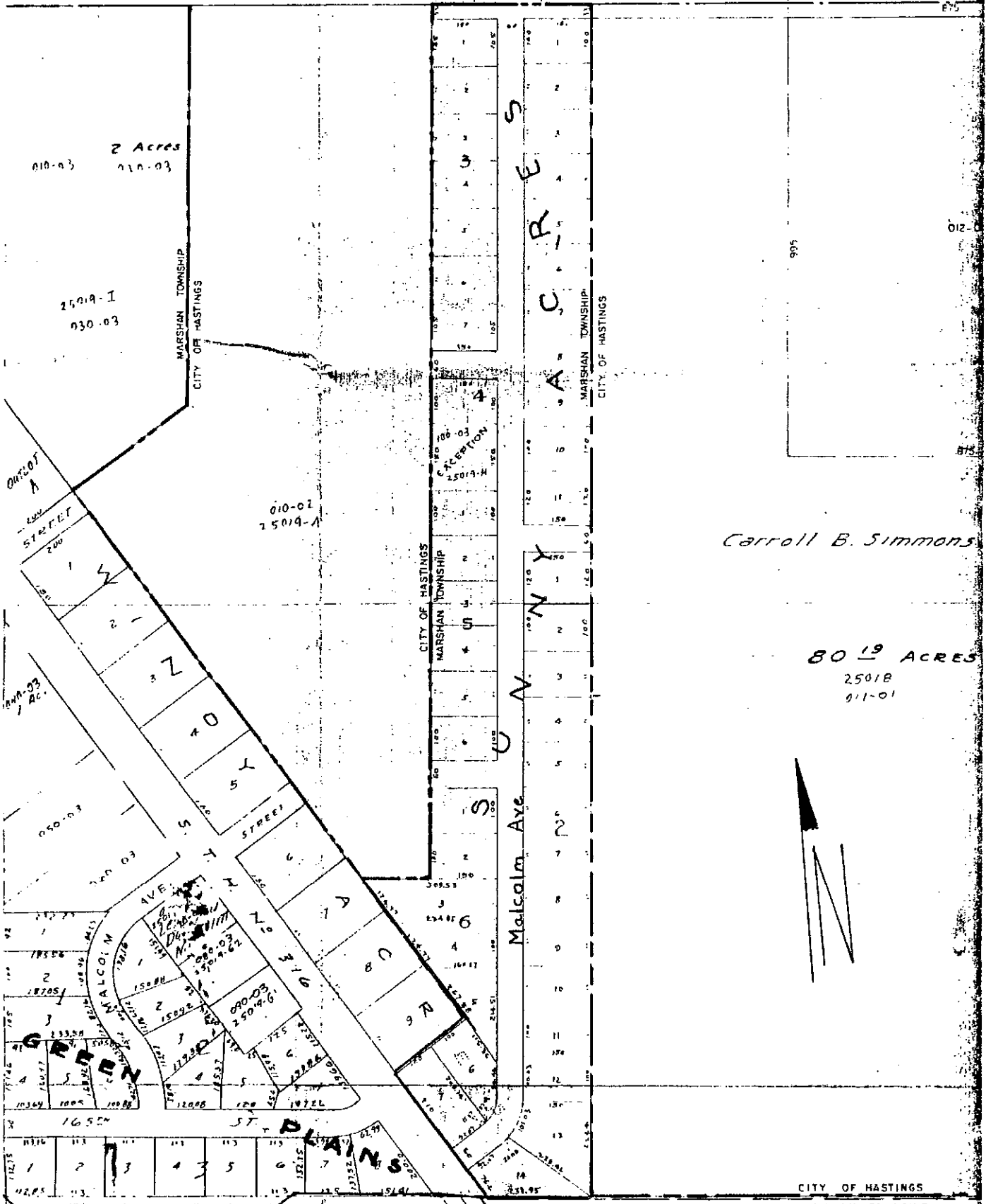
# MARSHAN

5th Mer.

T. 115 N., R. 17 W.

4 (39)

160th St.



2 Acres  
010-03 010-03

15019-1  
030-03

010-02  
15019-A

*Carroll B. Simmons*

80.19 ACRES  
2501B  
011-01

CITY OF HASTINGS  
MARSHAN TOWNSHIP

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY  
AND AFFILIATED MML INSURANCE COMPANIES  
PRINCIPAL OFFICE/1295 STATE STREET/SPRINGFIELD, MASSACHUSETTS 01111

JOHN C. SKOOG  
ESTATE AND BUSINESS ANALYST  
SUITE 618, TCF TOWER  
121 SOUTH EIGHTH STREET  
MINNEAPOLIS, MINNESOTA 55402

THE MINNEAPOLIS AGENCY  
LYNN M. NORD, C.L.U.  
GENERAL AGENT

(612) 333-1413 RES. 437-5420

May 20, 1986

Mr. Tom Harmening  
City Engineer  
100 Sibley St.  
Hastings, MN 55033

Dear Tom:

I met with some relief and appreciation the zoning letter I received on May 14th. As a homeowner on Malcolm Ave. who has been trying to sell his residence I can assure you that the option to change existing residences to duplexes would at least give us a marketable stake in a property value.

Trying to sell my home with the trailer court and multi-unit development across the road has been extremely frustrating. I have very little market for a single family home in this neighborhood.

While the concept of duplexes may seem unreasonable to some, I believe there would be few converted, and with minimal property still to be developed, even less built. I applaud your effort and open mindedness on this matter. Please proceed with an R-2 zoning for Malcolm Ave.

Sincerely,

  
John C. Skoog

JCS:sal

Received 5/21/86

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY  
 MML LIFE INSURANCE COMPANY

MML BAY STATE LIFE INSURANCE COMPANY  
 MML PENSION INSURANCE COMPANY

VIA4

MEMO

Date: July 3, 1986

To: Mayor & City Council

From: Tom Harmening, City Planner

Re: Renewal of Home Occupation Permits

I. Attached, for your review, is a list of the 50 home occupation permits which are up for renewal. 13, or approximately 25%, of the home occupations were inspected (those inspected are underlined on the attached list). There were no violations found for those home occupations which were inspected. Therefore, with the exception of one home occupation which is discussed in length later in this memo (McGoon Permit), it is recommended that the home occupation permits as listed be approved for the period of July 1, 1986 - June 30, 1987 subject to the City receiving by July 14, 1986 the required \$10.00 permit fee from those persons who have not yet made payment (those which had not paid by 7-3-86 are indicated with an asterix on the attached list).

II. McGoon Home Occupation Permit - Photography Studio.

As the City Council is aware, Staff has been preparing a report for the Council on matters pertaining to the home occupation permit held by Mr. McGoon for a photography studio located at 1100 Westview Drive. The preparation of the report was in response to questions raised regarding McGoons operation as compared to the standards and criteria for home occupation permits as contained within the City's Zoning Ordinance. It appears that from information compiled on this matter three primary areas of concern have been established regarding McGoons operation as compared to the City's home occupation standards. These are:

A. The City's Zoning Ordinance in 1978, as well as the present, does not permit home occupations in R-3 Zones. In 1978 McGoons home was located and still is located in an R-3 zone.

B. McGoon utilizes more than 25% of the floor area of his home for purposes of conducting the home occupation (McGoon uses approx. 960 sq. ft. of a total of 2,765 sq. ft. in his home or 35%).

C. McGoon employs persons for the home occupation who do not reside on the premises.

What follows is an outline of background information and history of McGoons home occupation from its inception in 1956 and progression through the years up to the present. Also attached is a letter from McGoon which provides information on his operation. In addition, I have also attached a letter from Shawn Moynihan, City Attorney, which outlines alternatives available to the City Council for addressing the Mac McGoon home occupation matter.



A. Background Information - Mac McGoon Photography Studio.

1. 1956 through 1959 - Conducted a one room studio with a darkroom in basement in residence at 705 Vermillion Street (Source - McGoon letter of 4/13/86.)
2. 1959 through 1970 - Built a home/studio at 1016 Tyler Street with a walk-in downstairs for the business (reception area, camera room, work room/darkroom) with the living area in the upper level. During this period McGoon's personnel consisted of himself, his wife and occasional assistance from his two children who were both in school. In 1970 McGoon also added an outside employee who served as a receptionist and assistant. Sometime during this period McGoon states that the city required McGoon to have a Home Occupation Permit which was issued to him without application or request and was renewed annually (Source-McGoon letter of 4/13/86).
3. 1970 through 1978 - still operating at 1016 Tyler Street McGoon's operation basically was conducted as indicated above. During this period McGoon's daughter attended various schools and classes which had an emphasis in photography and gradually increased her participation in McGoon's business. In 1976 McGoon's daughter married and changed her address from the McGoon residence but continued to work as a full time photographer at the McGoon studio as well as undertaking outside assignments. During this period McGoons personnel consisted of himself, his wife, an outside assistant/receptionist, and his daughter (Source McGoon letter of 4/13/86). As an added note, in 1975 Mr. McGoon requested permission to add a 270 sq. ft. addition to his home for purposes of providing more space for his home occupation. As the overall space being used by McGoon still complied with the zoning ordinance the City Council approved McGoons request. (Source - City records).
4. 1978 - still operating at 1016 Tyler Street McGoon officially applied for a Home Occupation Permit in June of 1978 for a proposed dwelling/studio at 1100 Westview Drive. (Source-McGoon letter of 4/13/86.)

Pursuant to City records McGoon did make application in June of 1978 and presented photographs of the property at 1100 Westview Drive as well as a site plan for the proposed structure. On Mr. McGoons application form it was indicated that McGoon estimated he would use approximately 500 sq. ft. of his home for his Home Occupation out of an estimated total house size of approximately 2500 sq. ft. (This proposal complied with the cities 25% floor area requirement).

As an added note the location of 1100 Westview Drive was located and still is located in an R-3 zone. Home Occupations were not considered to be permitted or special uses in R-3 zones.

In 1978 the Planning Commission and City Council unanimously approved Mr. McGoon's application for a Home Occupation Permit at 1100 Westview Drive (Source - City records).

5. 1979-McGoon moved from 1016 Tyler Street to 1100 Westview Drive in February of 1979 bringing along the same personnel as was used at 1016 Tyler Street which would apparently include McGoon and his wife, his daughter, and an outside receptionist/assistant (Source-letter from McGoon of 4/13/86).
6. 1979 through present - McGoon used free lance photographers during this period that do not have any involvement with the studio. These assignments range from 0 persons during slack winter months to one-three persons during the peak summer season. The free lance photographer usually gets its assignment by phone during the week and returns the film to the studio when finished with the assignment (Source-McGoon letter of 4/13/86).

Other than yearly renewals of McGoon's home occupation permit it appears the city had little contact with McGoon. In June of 1985 the City did inspect McGoons residence and home occupation as a part of an inspection of all home occupation permits in the City. The City Council subsequently renewed McGoons home occupation permit for the 1985-1986 permit period (Source-City records).

In December of 1985, based on comments received by the City, McGoon was sent a letter outlining the requirements for home occupation permits and instructed to comply with the requirements (Source-city records).

In late January of 1986 City staff inspected McGoons operation and received from McGoon plans for the structure to allow the city to determine floor area information. It was determined that McGoons total floor area for his home is approximately 2,765 sq. ft. of which approximately 960 sq.ft. is used for the home occupation (34.7%; source-City records).

On April 10, 1986 McGoon was sent a letter requesting that he provide the city with information pertaining to McGoon's Photography Studio operation which exists presently as compared to that which was proposed and existed in 1978-1979. McGoon responded to this request in writing on April 13, 1986 (Source-City records). In addition to the earlier exerpts from McGoons letter, McGoon also comments in his letter that the majority of his photography volume takes place outside the studio on location-in the schools, at the churches, customers place of business, etc. The studio activity involves mostly seasonal portraits and is handled by either his daughter or himself as it has been for years. McGoon further states that he feels his home occupation at this date parallels the Tyler Street operation as well as the 1979 era when he first made the decision to build his home/studio on Westview Drive.

B. Consideration of action to be taken by the City Council.

Upon closely reviewing the alternatives for action as outlined by the City Attorney (see attached) it would appear two options are available for City Council consideration (Alternative B & C).

Based upon the history of McGoons home occupation and the City's past involvement over the last eight years, the City Council may wish to consider Alternative C as an option for dealing with this matter. Using this alternative the Council could consider extending McGoons permit for a set period of time (60 days, for example) during which the Planning Commission would be directed to provide a recommendation to the Council on a zoning ordinance amendment to permit home occupations for single family homes in an R-3 Zone and also a recommendation on a variance for McGoon to the City's home occupation standards. As a condition for variance approval the City could establish parameters and restrictions which McGoon's operation would have to operate within.

On the matter pertaining to amending the Zoning Ordinance to permit home occupations for single family homes located in R-3 zones, it would not appear inappropriate or unreasonable to permit such an occurrence based on the fact that many of the City's more recent developments are zoned R-3 P.R.D. which contain single family homes (Williams 1st Addn., Riverwood Addn., Siebens Addn's.).

In summary, Staff recommends that some course of action be taken on the McGoon Home Occupation matter. Hopefully, the information provided in this memo will assist the Council with this task such that further direction may be given to staff on this matter.

jt



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

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

July 2, 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

Mr. Thomas K. Harmening  
City Planner  
100 Sibley Street  
Hastings, Minnesota 55033

Re: Mac McGoon - Home Occupation Permit

Dear Tom:

We have been asked to outline the legal options of the City regarding the home occupation matter of Mr. McGoon.

We understand the basic facts of this matter to be the following. In 1978, Mr. McGoon, who had been operating his photography business out of his home on Tyler Street, applied to the City for a home occupation permit for his new location at 1100 Westview Drive. A copy of that application, as provided to us by the City, is attached to this letter. Among other information provided, the application states that the zoning district for that property is R-3. The application also states that approximately 500 square feet will be used in the proposed home occupation.

The City's zoning ordinance in 1978, as well as now, does not permit home occupations in R-3 zones. In recent months, the City realized its error, i.e., that a home occupation permit should not have been issued to Mr. McGoon in that zone. Subsequent investigation has also revealed that Mr. McGoon's home occupation is occupying almost 960 square feet, about 460 feet more than is allowed by the home occupation ordinance. Furthermore, Mr. McGoon is employing persons other than members of the family residing on the premises.

LEGAL OPTIONS

A. One alternative for the City Council would be to allow Mr. McGoon to continue his present home occupation without any zoning amendments to allow home occupation permits in the R-3 zone. This approach would not be advisable since the City would be condoning an obvious violation of its own ordinances. This approach could set a dangerous precedent for the City and could easily come back to haunt the City Council. Future attempts to enforce the home occupation

\*Also admitted in Wisconsin

OFFICES ALSO AT:

Red Wing, MN  
(612) 388-1581

Cottage Grove, MN  
(612) 459-1019

ordinance against other individuals would be met with the argument that the City is selectively enforcing its zoning ordinances. This would present enforcement problems for the City in the future.

B. The second alternative is for the City to strictly enforce its home occupation ordinance as it applies to Mr. McGoon. This would require Mr. McGoon to close his business since home occupations are not a permitted use in the R-3 zone.

If the City elects this alternative, it can expect the argument to be made that the City should be prevented from enforcing its home occupation ordinance against Mr. McGoon because it has failed to enforce it against him in the past. Furthermore, the argument will be made that the City should also be prevented from enforcing its home occupation ordinance since the City issued the permit to him eight years ago and has renewed it each year thereafter. The City's legal response to these arguments would be that the administration of a zoning ordinance is a governmental function versus a proprietary function. Under Minnesota case law, a municipality cannot be prevented from correctly enforcing its zoning ordinances even if the owner has relied to his detriment on previous City action. Frank's Nursery Sales vs. City of Roseville, 296 N.W.2d 604 (1980). The City Council may not be bound by a prior erroneous application of its zoning ordinances. Id.

If the City's actions were challenged and the Court follows the decision of Frank's Nursery Sales, the City should be able to correctly enforce its zoning ordinances as they relate to Mr. McGoon. It should be noted, that my research has not found any cases where a City attempted to correct an erroneous interpretation it has followed for eight years. It is unknown what affect, if any, that fact may have upon a Court if it were to review the City's actions.

Although the City may be able to enforce its zoning ordinances, the City could face a possible claim by Mr. McGoon for an unconstitutional taking of his property. An unconstitutional taking occurs when governmental action deprives a landowner of all reasonable uses of his land. There is insufficient information available to the City now to determine whether Mr. McGoon would be deprived of all reasonable uses of his land if the City were to close his business. However, this possibility is something the Council should consider in its deliberations on this matter.

C. A third alternative for the City is to amend the zoning ordinance to permit home occupations in the R-3 zone. This amendment could restrict home occupations to only single family dwellings in the

R-3 district. This approach would allow Mr. McGoon to continue his home occupation, however, his operation would have to comply with the home occupation ordinance. From the information provided to us, we understand that Mr. McGoon presently is using a greater percentage of his home for his home occupation than is allowed by the ordinance. Likewise, Mr. McGoon may be employing personnel who do not reside on the premises. These violations and any others would have to be eliminated so that Mr. McGoon would be in compliance with the home occupation ordinance.

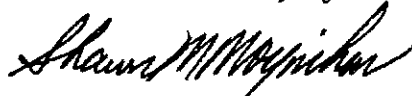
If the homeowner requested, the City could consider a variance to its home occupation ordinances as they applied to Mr. McGoon's situation. In considering any variance request, the City Council could impose restrictions on Mr. McGoon's operation to prevent any further expansion or to ensure that it would be brought into conformity with City ordinances over a period of time.

To summarize, we do not feel that Option A is a viable option for the City. Option B would more than likely require the City to seek assistance from the Courts in enforcing its home occupation ordinance. It may also require the City to defend itself from claims by Mr. McGoon for an unconstitutional taking of his property as well as other possible claims. The third alternative presents an equitable solution to a problem which should have been noticed several years ago.

We will be present at Monday's meeting to answer any questions the City Council may have regarding this matter.

Very truly yours,

CITY OF HASTINGS, by



Shawn M. Moynihan  
Assistant City Attorney

SMM/bap

APPLICATION FOR HOME OCCUPATION PERMIT

APPLICANT MAC MCGOON PHONE 437-2000

PRESENTLY AT 1016 TYLER STREET HASTINGS  
ADDRESS REQUESTING SAME AT NEW RESIDENCE 12th AND WESTVIEW HASTINGS

Do you own this property? YES If not, give name and address of owner \_\_\_\_\_

(Written permission by owner must be attached)

Legal Description of property for which permit is requested Lot 9, Block 2  
Dak Hills Addition

Present Zoning Classification R-3

Describe in detail the Home Occupation under this Permit PHOTOGRAPHY AND SALE OF  
PHOTOGRAPHS (AS PRACTISED UNDER HOME OCCUPATION PERMIT FOR PAST 20 YEARS)

How many cars park at your home each week as a result of your Home Occupation? TWO TO TEN DAILY (EXCEPT SUNDAY)

What is the average length of time each car is parked? 10-15 Minutes Hours  
PROVISIONS PLANNED FOR 2 CAR OFF STREET PARKING

Do you provide any Off Street Parking other than your driveway? \_\_\_\_\_

If yes, room for how many cars? TWO --Draw sketch on back as to location on lot

In what part of your home do you carry on your Home Occupation? LOWER LEVEL

Upper Level XXXX  
LIVING AREA WILL BE between 1200 and 1300--LOWER LEVEL (LIVING AND HOME OCCUPATION COMBINED)  
No. of square feet in your home \_\_\_\_\_ No. of square feet used in H.O. APPROX 500 1200

For how long a period of time do you intend to continue this Home Occupation as  
WE HAVE OPERATED HOME OCCUPATION FOR PLUS 20 YEARS AND UNDER HOME OCCUPATION PERMIT  
REGULATIONS SINCE IN EFFECT. RENEWAL FOR YEAR 1978-1979 has  
applied for under this application? BEEN PAID.

How long have you been carrying on this business? 22 YEARS 9 YEARS AT 705 VERMILLION  
13 YEARS AT 1016 TYLER

TO MY KNOWLEDGE THERE HAVE NO COMPLAINTS OF OUR HOME OCCUPATION at either location

Signature of Applicant M. A. "Mac" McGoon

Date June 5, 1978

ANNUAL FEE - \$10.00  
License Year - July 1 to July 1

Approved by City Council on \_\_\_\_\_

FEE RECEIVED: Date \_\_\_\_\_ By \_\_\_\_\_

# mac mcgoon studio<sup>inc.</sup>

*"The Home of Creative Photography"*

April 13, 1986

Mr. Thomas Harmening  
City Planner--City of Hastings  
100 Sibley Street  
Hastings, Minn 55033

Dear Mr. Harmening:

This letter is in response to your letter dated April 10, 1986, our phone conversations and other correspondence relating to the home occupation history of Mac McGoon Studio.

The following information covers our beginning in the photography business in 1956, our operation at 1016 Tyler from the late '50's through February 1979 and finally our move to 1100 Westview Drive in February, 1979 to the current date.

Our first involvement was a one room studio in our residence at 705 Vermillion Street with a darkroom in our basement. As our business grew so did our need for larger quarters. In 1959 we built a home/studio with a walk-in downstairs and our residence in the upper level. (1016 Tyler Street). We used the entire downstairs, minus a tuck in garage, for our photo business. This facility consisted of a reception area and a camera room, plus our workroom/darkroom combination.

From 1956 thru 1970 our personnel consisted of my wife and I with occasional assistance from the two children who were both in school. In about 1970 we added an outside employee who served as a receptionist and assisted us with order preparation. Our son Randy graduated in 1970 and permanently separated himself from the photography business. Our daughter Cindy graduated in 1972 and continued her photographic education at UMD and later at Hennepin County Vo-Tech where she completed a course in commercial-professional photography in early 1976. Throughout this schooling process she pursued photography at our studio evenings and week-ends. Cindy married in October 1976 and changed her address at that time, continuing to work as a full time photographer at our studio and outside assignments.

Sometime during the period of 1959 and while still at our Tyler Street address the City of Hastings adopted a home occupation permit requirement. The home occupation was issued to us without application or request and was renewed annually and mailed to us with a \$10.00



*automatically*

1100 Westview Drive • Hastings, Minnesota 55033  
612-437-2000





# mac mcgoon studio<sup>inc.</sup>

*"The Home of Creative Photography"*

page2....

invoice.

In June 1978 we officially applied for a home occupation permit for a proposed dwelling/studio for 1100 Westview Drive. We presented our sketches and plans, together with photos, aerial and ground, showing our relationship to the existing Westview mall. Our application to the planning commission passed without a dissenting vote and likewise was approved by the City Council. I was commended by the council for having done a good job of preparation and given well wishes. This permission was given and the permit ultimately issued without any special conditions or regulations to be followed. The issuance of the permit in 1978 was basically the same as previous years, except as they dealt with the new address.

It might be proper at this point to mention that at no time---from our first year until your letter of December 4, 1985 were we ever given any information from the city dealing with floor space requirements, outside employee restrictions or regulations dealing with home occupations.

We moved to our present location at 1100 Westview Drive in February 1979 bringing with us the same personnel from 1016 Tyler.

Cindy's husband, Armin, is a full-time employee at 3 M Co, working with us as an occasional week-end wedding photographer. We are also involved with other free-lance photographers that do NOT have any involvement within the studio. These assignments vary from zero during the slack winter months to one, two or three on the heavier wedding week-end during the peak summer season. The photographer usually gets his assignment by phone during the week and returned film to the studio when finished with the assignment.

The majority of our photography volume takes place outside the studio on location....in the schools, at the churches, customer's place of business, etc. The studio activity involves mostly seasonal portraits and is handled by either Cindy or myself...as it has been for many years. When we go into schools we add a person or two to assist with student preparation, bookkeeping chores, etc., however these people are on a day to day basis and are not used in the studio in any way.

We feel that our home occupation at this date parallels the Tyler Street operation as well as the 1979 era when we made the decision to build



1100 Westview Drive • Hastings, Minnesota 55033  
612-437-2000



# mac mcgoon studio <sup>inc.</sup>

*"The Home of Creative Photography"*

page 3.....


our home/studio on Westview Dr and were given the full blessings of the Planning Commission and ultimately the go ahead by our City Council.

We have a very large monetary investment in our present location. The building and grounds were designed specifically for a home/studio and could not be adapted to living quarters for my wife and I. The personal futures of Mrs. McGoon and myself, as well as Cindy and Armin's family are suddenly and unpredictably at stake.

We assume that you respond to us favorably and without delay enabling us to put this agonizing threat behind us and permit us to proceed with our business and our personal lives in a normal manner.

Thank you.

Respectfully yours,



Mac McGoon Studio



1100 Westview Drive • Hastings, Minnesota 55033  
612-437-2000



HOME OCCUPATIONS 1986- 1987

*Gerald Anderson	1947 Maple	Chimney Sweep
<u>Gordon Anderson</u>	<u>1804 Pine Street</u>	<u>Gun Repair</u>
Richard Anderson	1420 18th Court	Limo Service
* <u>Eugene Bacon</u>	<u>923 W. 3rd Street</u>	<u>Upholstering/Sn Gift</u>
*Arlene Benjamin	322 E. 7th Street	Balloon Bouquets
<u>Donald Berg</u>	<u>803 W. 16th St.</u>	<u>Taxidermy</u>
Clifford Birkholz	1311 W. 17th St.	Insurance & Shaklee
*Ruth Bremer	920 Tyler Street	Beauty Shop
<u>Brown Florists</u>	<u>2001 Ashland</u>	<u>Florist</u>
*David Brownson	302 W. 17th St.	Locksmith & Alarm Bus.
Evelyn Carl	406 W. 18th St.	Beauty Shop
<u>Terry Cavalier</u>	<u>1107 Lyn Way</u>	<u>Beauty Shop</u>
*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
* <u>Charles Huberty</u>	<u>308 W. 13th St.</u>	<u>Barber Shop</u>
Lynn Huesser	1612 Westview Dr.	Beauty Shop
*Elaine Hullander	907 W. 7th St.	Beauty Shop
P. Juneau	2024 Nininger Road	Computer Service
Andy Klimek	924 W. 14th St.	Wood Carving
<u>Tibor Kovacs</u>	<u>1124 Ramsey St.</u>	<u>Jewelry making/clock rep.</u>
*Sandra Latch	141 Olive	Dog Grooming
* <u>John Lewis, Jr.</u>	<u>1410 1/2 Ramsey</u>	<u>Plbg. office</u>
*Dorothy Loesch	1101 Hillside St.	Beauty Shop
*Jerome Marzen	905 Ramsey Street	Saw Sharpening
Mac McGoon	1100 Westview Drive	Photography Studio
Mirella Maurus	923 W. 14th St.	Upholstery
*Vallard & Debbie May	1830 Maple Street	Catering Service
* <u>James Minder</u>	<u>1336 Honeysuckle Lane</u>	<u>Photography Studio</u>
*Arthur Morin	2310 Westview Drive	Communications System
Richard Niederkorn	1018 Sibley	Beauty Shop
*Thomas Nolan	1016 Tyler Street	Art & Custom Framing
<u>Kenneth Nowlan</u>	<u>713 W. 16th Street</u>	<u>Furniture Upholsterer</u>
Richard Peterson	1314 W. 17th St.	Drain & Sewer Cleaning
*Potts Werkert	1415 Blueberry Lane	Tapes (Produce)
Dan Rother	1343 W. 19th Street	Photography Studio
* <u>Robert Schmitz</u>	<u>803 Oak Street</u>	<u>Real Estate, Taxi, Locksmith</u>
Mike Simacek	1041 W. 4th Street	Woodworking, Arts
*Judy Seleski	214 W. 8th St.	Balloons Galore
Al Spangler	606 Maple Street	Upholstering
<u>Douglas Starkweather</u>	<u>1313 W. 14th St.</u>	<u>Insurance Office</u>
Kathleen Tanner	1220 Honeysuckle Ln.	Pre-School, Kindergarten
Richard Tibbits	1208 Sibley Street	Locksmith
*Pam Thorsen	649 W. 3rd St.	Publications Office
*Jane Von Feldt	1389 Brittany Road	Balloon Bouquets
* <u>Harold Welch</u>	<u>1000 Cty. Rd. 47</u>	<u>Ski cases</u>

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

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

VIA5

MEMO

Date: July 3, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

RE: Renewal of Soil Processing Permits

Section 10.03 Subd. 6C of the Hastings City Code requires that soil processing operations be issued permits which are to be renewed on an annual basis. Currently, the City has two operations, Davies Excavating, Inc. and Holst Construction Inc., which are required to request approval of the permits. Upon request the City has received from both operators various items of information serving as an update to the information required of them during their initial permit issuance. A brief review of both operations and recommendations are as follows:

A. Davies Excavating Inc. - The City issued an initial permit to Davies in early 1984 with several conditions attached. Davies pit is located in east Hastings on CSAH 54 (10th St.). Davies operates the pit between 7 A.M. and 5 P.M. Monday thru Saturday. Normal truck routes moving both to and from the pit are CSAH 54 or Co. Rd. 91 to Hwy 316.

Recommendation:

Based upon the recent information provided by Davies and also based on the initial information provided by Davies during the original application period it is recommended that the permit be renewed with the same conditions which were stipulated during the original approval which include the following:

- A. The site is to be restored, upon completion of the mining operation, pursuant to the plans provided to the City during the original application period.
- B. Operating hours are not to be in excess of 7:00 A.M. to 5:00 P.M. Monday - Saturday except holidays. In cases of emergency Davies may operate the pit during hours other than those noted upon approval of the City Administrator.
- C. Approval of the permit renewal is subject to the City receiving a bond in the amount of \$1,000.00 to insure the compliance of the terms and conditions of the permit (pursuant to Section 10.03, Subd. 6E4).

B. Holst Construction Co. - Holst's operation is located in east Hastings along Glendale Road south of the intersection of CSAH 54 and Glendale Road. The original permit for this site was issued to Donald Kluender in 1978. In 1983 the permit was transferred to Holst Construction Co. It does not appear specific conditions were placed on the permit regarding the Kluender or Holst operation although it was noted in a letter to Holst that the City's approval of the transfer was based upon the information submitted by him which indicated the original and proposed topography, erosion control measures, traffic control measures, reforestation, etc.

it does not appear specific mention was made regarding limits on the hours of operation of the pit or the hours for the trucking of materials from the pit.

Based on the recent information submitted, Holst indicates that his normal operating hours for crushing and washing aggregate are: March through December - 24 hours/Day; December through March - Daylight hours only. Holst further indicates that his normal operating hours for hauling out of the gravel pit are 5:00 A.M. to 9:00 P.M. Monday through Saturday. Normal truck routes are Glendale Road to CSAH 54 (10th St.) to Hwy 61 or Glendale Road to Hwy 316. It would appear the primary truck route involves CSAH 54 (10th St.) to Hwy 61.

The City has received numerous complaints from persons living along 10th St. in reference to the Holst operation regarding the excessive truck traffic and related noise particularly during the early morning hours and evening hours. Persons living along 10th St. have requested by petition (see attached) that the City Council consider restricting as a part of the permit process, the truck hauling hours for gravel pit operations for the hours of 7 A.M. to 5 P.M. Monday through Saturday. As Davies Excavating already operates within these hours Holst would be the only gravel pit operator affected.

Based upon recent meetings with Holst, it was agreed upon that Holst would not use CSAH 54 (10th St.) for hauling purposes between the hours of 5 P.M. to 7 A.M.

Recommendation:

Based upon the recent information provided by Holst and also based upon the initial information provided by Holst during the original application period it is recommended that the permit be renewed with the following conditions:

- A. That Holst's operating hours for truck hauling shall be 5 A.M. to 9 P.M. Monday thru Saturday. Holst's operating hours for the pit shall be 24 hours/day during March-December and daylight hours only during December-March. In addition Holst Construction shall refrain at all times from using CSAH 54 (10th St.) for hauling purposes between the hours of 5 P.M. to 7 A.M. Variation from these hours due to extenuating circumstances may be allowed upon approval of the City Administrator.
- B. 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.
- C. Holst is to obtain, if applicable, any required permits from the MPCA, DNR, etc for the soil processing operation.

Davies Excavating (Approx)

C.M. STP&P.R.R.

C.S.H. 54

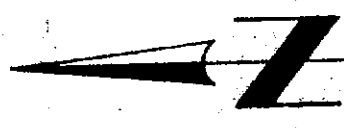
C.A.R. 91

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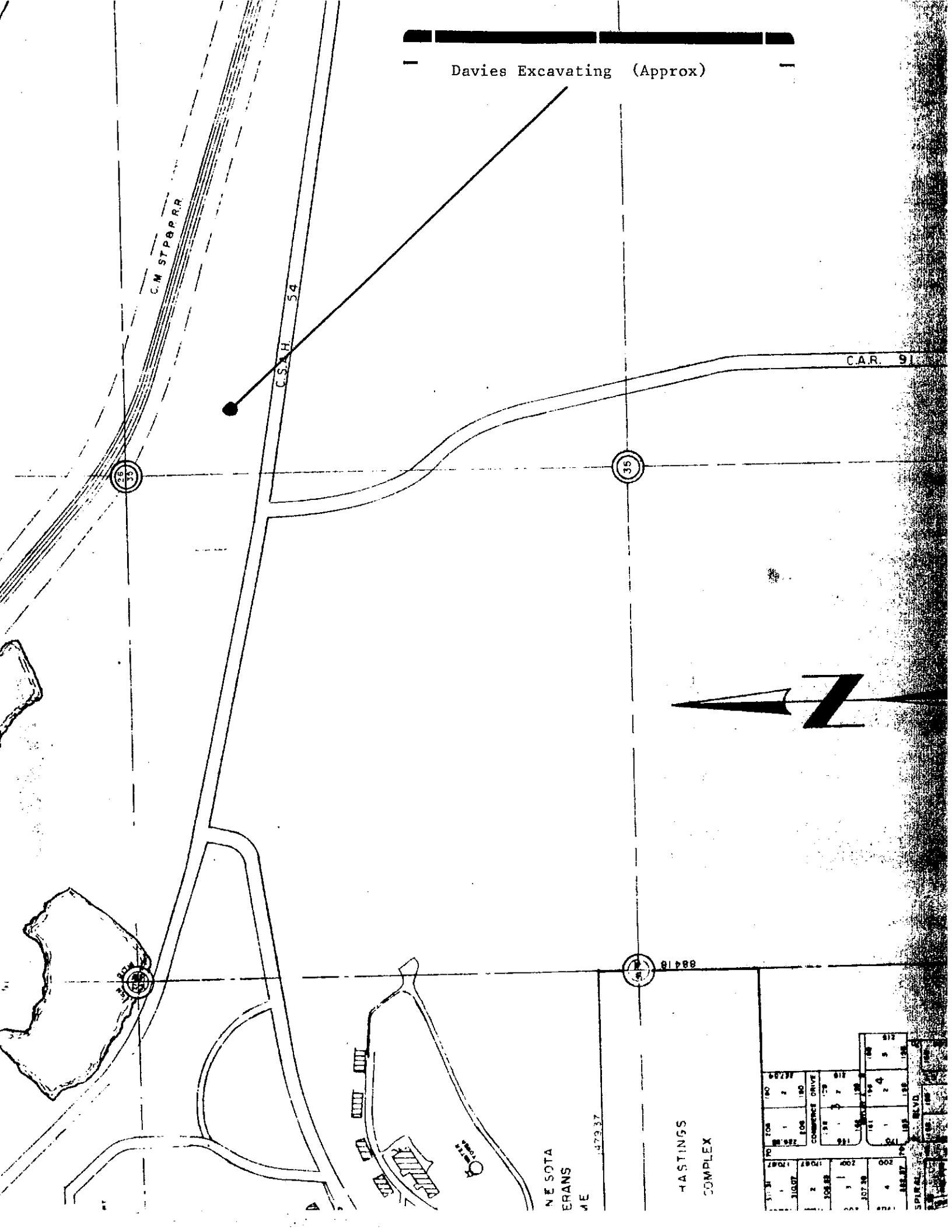


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HASTINGS  
COMPLEX

311.31	1	204	180	288.00	1	2	167.28	180	324.56
310.07	2	108	180	194.40	2	1	167.28	180	324.56
308.88	2	108	180	194.40	2	1	167.28	180	324.56
307.58	3	108	180	194.40	3	1	167.28	180	324.56
306.28	4	108	180	194.40	4	1	167.28	180	324.56
304.98	5	108	180	194.40	5	1	167.28	180	324.56
303.68	6	108	180	194.40	6	1	167.28	180	324.56
302.38	7	108	180	194.40	7	1	167.28	180	324.56
301.08	8	108	180	194.40	8	1	167.28	180	324.56
299.78	9	108	180	194.40	9	1	167.28	180	324.56
298.48	10	108	180	194.40	10	1	167.28	180	324.56



# *Davies Excavating, Inc.*

15672 - 87th Street South  
Hastings, Minnesota 55033  
Phone: 436-4461 — 436-7049 — 436-7234

June 17, 1986

City of Hastings  
100 Sibley Street  
Hastings, Minnesota 55033

Attention: Mr. Thomas K. Harmening  
Planning Director

Dear Mr. Harmening:

Enclosed is the Topographic information which illustrates the current extent of our gravel pit and an indication of estimated enlargement of the pit during the upcoming year.

Our current normal operating hours of the pit and related trucking of material from the pit is 7 a.m. to 5 p.m. per our permit requirements.

The current normal truck routes moving both to and from the pit are Co. Rd. 54 to Highway 61 or Co. Rd. 91 to Highway 316.

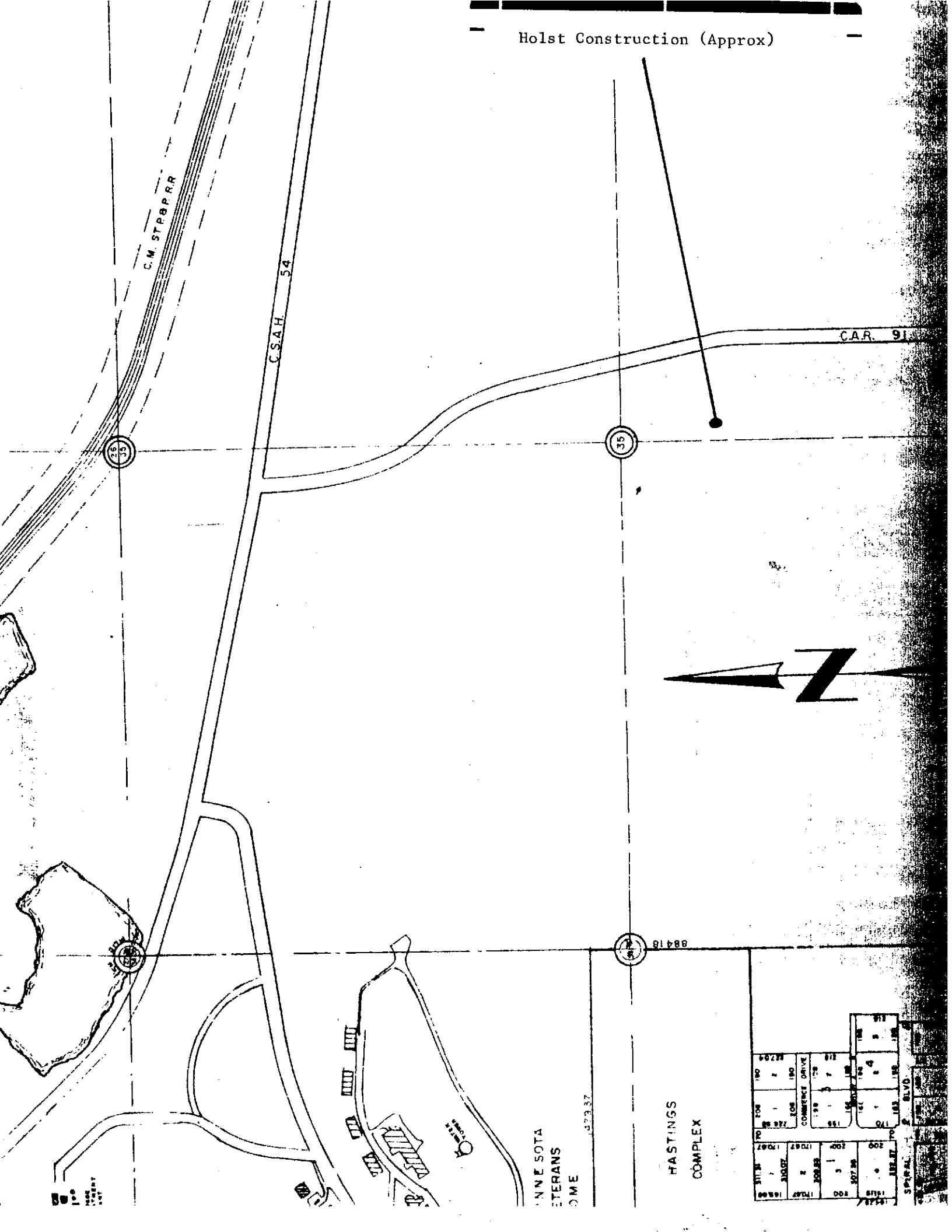
If the enclosed is not satisfactory or if something else is needed, please let us know so we can take care of it.

Sincerely,



Donald K. Davies  
President

Holst Construction (Approx)



COMMERCE DRIVE		Spiral Dr		Spiral Dr		Spiral Dr		Spiral Dr	
TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM
200	150	100	100	150	100	100	100	150	100
100	150	100	100	150	100	100	100	150	100
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150	100	100	100	150	100	100	100	150	100

HASTINGS COMPLEX

MINNESOTA VETERANS HOME

37237

1" = 60' SCALE



Office  
715-792-5291

# Holst Construction, Inc.

Rte. 1, Box 317  
Prescott, WI 54021

Mobile  
715-792-2751

June 20, 1986

City of Hastings  
100 Sibley Street  
Hastings, MN 55033  
Attn: Thomas K. Harmening

Re: Special Use Permit

Dear Tom;

Enclosed is a copy of our topographic information for the portion of North  $\frac{1}{2}$  of South  $\frac{1}{2}$  of Section 35, T115N, R17W.

Holst Construction's normal operating hours for hauling out of the gravel pit are 5:00 a.m. to 9:00 p.m. Normal truck routes are 91 to 316 or 91 to 54.

Holst Construction's normal operating hours for crushing and washing aggregate are: March through December - 24 hours around the clock and December through March - daylight hours only.

Sincerely,

William F. Holst  
President

WFH/mf

Enclosure

dc: file

## Petition

To: Mayor and City Council  
From: Residents of the East 10th Street Area  
Subject: Mining Contractor Permits  
Date: June 30, 1986

The residents of the East 10th street area are asking the mayor and city council members to consider restricting mining contractor permits for hauling to 7 a.m. to 5 p.m. / Monday through ~~Friday~~ Saturday when hauling within city limits. Extension of hours for emergency situations may be allowed with prior approval from the city council and/or administrator.

Name	Address
1. Mary McNamara	1001 Bailey
2. Mary McNamara	" "
3. Margie Seleskie	1005 Bailey
4. Sharon Seleskie	1005 Bailey
5. Mrs E. Seleskie	" "
6. Neptie Bauer	933 Bailey
7. Rose Huby	931 Bailey
8. Kay J Reuter	933 Ramsey St
9. Mrs Kay Reuter	933 Ramsey St
10. Kelly R. D.	927 Ramsey St
11. Sherie McNamara	927 Ramsey St.
12. Lucille Krazy	950 Bailey St.
13. Charles & Rita McNamara	925 Tyler St.
14. Grace Swanson	1003 Ramsey

15 Name  
Nick Snyels  
16 Law Dancer

Address  
701 E. 10<sup>th</sup>  
933 Bivby

VIA

MEMO

Date: July 3, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Third Reading - Zoning Ordinance Amendment - Site Plan Review Procedure

Attached, for a third reading, is the above stated ordinance amendment.

jt

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

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 10.24, SUBD. 3 RELATING TO SITE PLAN APPROVAL AND ADDING SUBD. 5 RELATING TO DEVELOPER'S AGREEMENT

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

A. Section 10.24, Subd. 3 of the Hastings City Code shall be amended to read as follows:

Subd. 3. The Zoning Administrator shall review all site plans for the purpose of determining their compliance with all zoning ordinances. The Zoning Administrator shall forward all plans to the Planning Commission for its review and recommendation to the City Council. After receiving the Planning Commission's recommendation, the City Council shall approve or reject the site plan. If the Council approves the plan and unless the Council states otherwise, all documents submitted and information contained therein shall constitute a condition of approval by the Council which must be complied with by the applicant. Any proposed variation from the approved plans must receive prior approval from the Zoning Administrator or, where applicable, the City Engineer. No occupancy permit shall be issued until all conditions of approval imposed by the Council have been satisfied by the applicant, except as provided by Subd. 4.

B. Section 10.24 of the Hastings City Code shall be amended by adding the following Subd. 5:

Subd. 5. Upon Council approval as provided in Subd. 3 of the site plan, the Council shall determine if a developer's agreement shall be required. Any developer's agreement required by this subdivision shall contain all conditions of approval imposed by the Council, shall be signed by the City and all parties having an interest in the subject property and shall be recorded by the City with the Dakota County Recorder's Office. All conditions imposed by the City Council shall run with the land and bind all successors in interest in the property.

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

ABATEMENTS--

June 2, 1986

Real Estate: Approved

Alvera Larsen  
#19-32151-010-16  
Hastings, City of

Less basement area and lower quality. No zero lot line, part of back unit over front unit. Incorrect update. Physical and Functional Condition. The estimated market value should be reduced from \$73,600 to \$58,700.

John & Mary Malban  
#19-02000-020-78  
Hastings, City of

Upon review the overall quality of the home was found to have been incorrectly estimated for the 1985 revaluation. The estimated market value should be reduced from \$106,700 to \$102,800.

MEMO

TO: Natural Resource and Recreation Commission

FROM: Tom Lewanski

DATE: June 9, 1986

SUBJECT: Resignation from NRRC

Due to my recent move from the Hastings area I must resign from the NRRC. I urge you to take a long look at the remaining natural areas within Hastings and move to protect them. Softball fields can be built anytime but once a natural area is developed or altered it is gone for ever. I sincerely hope that the new parks plan will be ratified by the City Council, you need it and Hastings needs it.

Thank you for letting me serve and keep up the good work.



MEMO

TO: Mayor and City Council

FROM: Marty McNamara

DATE: June 30, 1986

SUBJECT: Natural Resources and Recreation Commission Compositions/reduce NRRC Members

The natural resources and Recreation Commission at their June 17, 1986 meeting voted to reduce the members of the Commission from nine (9) to seven (7). With the resignation of Tom Lewanski they currently have six (6) members.

cl

## 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

ORDINANCE NO. , SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING CHAPTER 2, SECTION 2.57 OF THE CITY CODE HAVING TO DO WITH ESTABLISHING AN ABSENTEE BALLOT BOARD;

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

Section 2.57. ABSENTEE BALLOT BOARD

Pursuant to the provisions of Minnesota Statute, Section 203B.13, the City Council of the City of Hastings hereby establishes an absentee ballot board in the City of Hastings. Said absentee ballot board will encompass the entire City of Hastings for the purpose of receiving all absentee ballots for any primary or general election or special referendum held within the Municipality. The absentee ballot board shall be under the direct charge and supervision of the City Clerk; and the place for receiving, tabulating and counting of absentee ballots shall be at the office of the City Clerk in the City Hall.

VIOLATION OF A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this chapter when he performs 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 seven (7) days after publication.

ATTEST  
Lu Ann Stoffel, Mayor Gary E. Brown, City Administrator/Clerk

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

May 7, 1986

Housekeeping Items  
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.

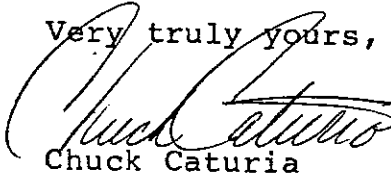
Mr. Gary Brown  
Page Two  
May 7, 1986

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,

A handwritten signature in cursive script, appearing to read "Chuck Caturia", is written over the typed name. The signature is fluid and somewhat stylized, with a large initial 'C'.

Chuck Caturia

CC:rml  
Enclosure

cc: Shawn Moynihan

May 15, 1986

TO: MAYOR AND COUNCIL

FROM: BARB THOMPSON 

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 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 interest 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 OF COUNCILPERSONS OR~~ 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 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 or her~~ <sup>his</sup> qualification, or by reason of failure of any person so elected to perform ~~his or her~~ <sup>his</sup> 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 <sup>OR COUNCILPERSONS'</sup> increase shall be accomplished by ordinance.

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.

MEMO

TO: Mayor and City Council  
FROM: Gary E. Brown *GEB*  
DATE: July 3, 1986  
SUBJECT: Ordinance Amendment Wiring of Funds

Please find attached a copy of the Ordinance pertaining to the handling of funds which relates to the proposed Charter change. If the Council approves the 1st Reading of this Ordinance the City Attorney should be directed to prepare in legal form the 2nd Reading and set a Public Hearing at the July 21, 1986 meeting. City Staff believes that this change in the Ordinance reflects current concerns with some of the Council Members regarding safety of city funds.

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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.

Source: Ordinance No. 169, Second Series (Sec. 2.61)  
Effective Date: December 27, 1984

	BUDGETED	PROPOSED	BUDGETED	PROPOSED
	FY: 1985-86	FY: 1986-87	FY: 1985-86	FY: 1986-87
<b>ADMINISTRATION</b>	---	---	\$ 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	---	---
<b>SUB TOTAL</b>	\$ 56,381.00	\$ 56,677.00	\$164,832.75	\$165,769.34
<b>CITY OF HASTINGS</b>	\$ 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		
<b>SUB TOTAL</b>	\$108,451.75	\$109,092.34		
<b>CAPITAL OUTLAY - COST SHARE PROJECTS</b>				
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
<b>SUB TOTAL</b>	\$ 30,000.00	\$ 51,000.00	\$ 30,000.00	\$ 51,000.00
<b>GRAND TOTAL</b>	\$194,832.75	\$216,769.34	\$194,832.75	\$216,769.34

11-13-77



## MEMO

TO: Mayor and City Council  
FROM: Marty McNamara *Marty*  
SUBJECT: Bicycle Race - Veterans Park  
DATE: July 3, 1986

A gate will have to be installed at the east entrance of the park in order to allow access for the bicyclists. Currently, we have metal posts welded together with pipe blocking this entrance to the park. After talking with the Fire Chief and the Police Chief, it would be beneficial to the City to install a gate similar to the one that is located at the west end of the park. This would allow better access for emergency vehicles. The cost of this gate would be \$1,500.00 and it is staff's recommendation to install this at this time.

ces

VI B-8

June 26, 1986

Lu Stoffel, Mayor  
City of Hastings

Dear Lu,

Please find enclosed proposal for bicycling race event with all the details.

Please note that I am available at any time for any further information regarding the event.

I would appreciate your prompt attention and required assistance with this event.

Sincerely,



Peter Pavljuk

11701 Lockridge Avenue  
Hastings  
437-2718 (home)  
437-0730 (work)

cc: Marty McNamara,  
w/attachments

OBJECTIVES: This race is being created in the interest of promoting the sport of cycling. The promoters are not interested in profitting from the event. Any proceeds from the race will be used to promote future bicycle events in the area.

FUTURE DEVELOPMENT : Plans are to make this an annual event. We would be interested in promoting this event as part of Rivertown Days. The late start this year does not make this possible.

NAME OF EVENT: "HASTINGS RIVERTOWN CRITERIUM CLASSIC"

SCHEDULED DATE OF RACE: August 24, 1986

FORMAT OF RACE: Race open only to licensed USCF amateurs. Criterium race over a short lap course closed to traffic. The event will be sanctioned by the United States Cycling Federation. Anticipated participation is 100 - 200 racers, mostly from the Minneapolis-St. Paul area and also upper Midwest.

PROPOSED COURSE: The course would involve a 0.55 mile lap around the soccer field northeast of the Veterans Home on County 291. The attached map shows the course in detail.

Advantages of this course include the following:

1. Minimal disruption of traffic; only a short section of Cty 291 would need to be closed. The remainder of the course is already closed to traffic. Closing of this road would not restrict access to any residence or businesses. Traffic could be re-routed to Etter via 10th Street.
2. Excellent spectator visibility; the whole course can be viewed from the infield which is a significant attraction for spectators in this event.
3. Existing toilet facilities; the advantages of which are obvious.
4. Natural scenic beauty makes this course attractive for racers and spectators alike.

Disadvantages:

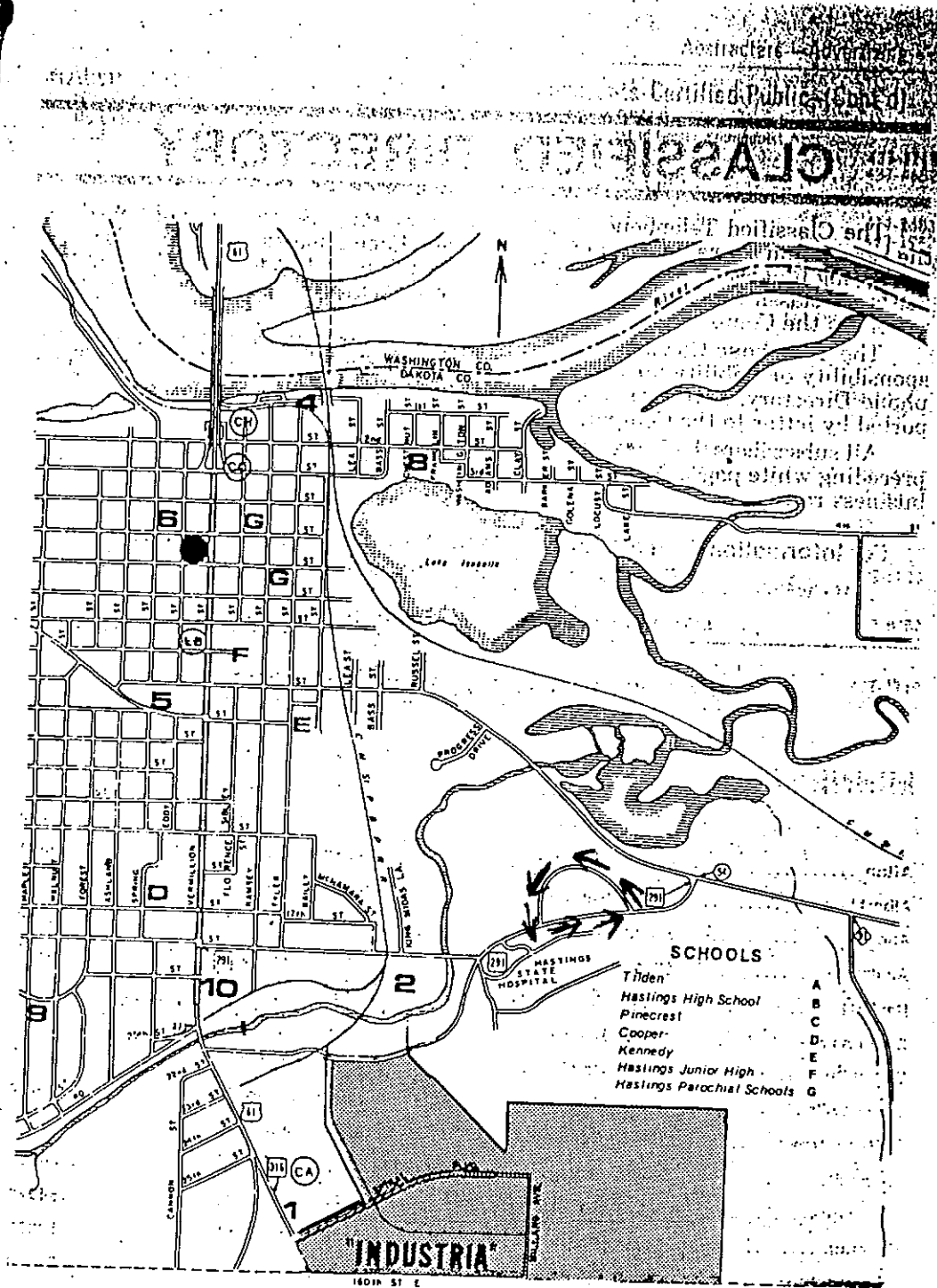
1. The east entrance to the course is now permanently closed to traffic by steel posts. These would have to be removed by the city parks dept. and replaced by a chain or gate.
2. Parking - this area is somewhat deficient in parking. We would appreciate assistance from Hastings Police Dept. on date of race.

ADDITIONAL INFORMATION REQUIRED FROM CITY OF HASTINGS

1. Permit required to conduct the event
2. First Aid assistance by paramedic unit on day of event.
3. Hastings Police Dept assistance to re-route the traffic as needed, with parking and crowd management
4. Names and telephone numbers of city officials that have authority over the course
5. Permits required for potential sponsors to serve food and non-alcoholic beverages at location of event.

PROMOTER OF EVENT: Peter Pavljuk  
11701 Lockridge Avenue  
Hastings  
telephone number: 437-2718 (home)  
437-0730 (work)

TECHNICIAL DIRECTOR: Jim Werket  
1415 Blueberry Lane  
Hastings  
telephone number: 437-8813 (home)  
437-8618 (business)



City Map of Hastings

MEMO

TO: Mayor and Council

FROM: Gary E. Brown

DATE: July 3, 1986

SUBJECT: Group Health Insurance Specification

Over the past six to eight months representatives of the city employees (Union and non-union personnel) have met regarding Group Insurance. Several organizations were interviewed however, a true consensus was not reached, except for the fact that there seemed to be an overwhelming sentiment that Health Maintenance Organizations and Self Funding Organizations were not acceptable. There was also a fairly strong sentiment by some, that the employees should not accept less Health Insurance coverage. The specifications submitted for the Council calls for bids to be submitted which duplicate the present policy and also to consider an alternative health insurance policy which would increase deductibles with dental insurance. This was not the recommendation by the committee. However, because there was such strong sentiment by a few it was felt that at least bids be taken for consideration.

The current health insurance coverage terminates on September 1, 1986 and the city is not required to take bids, however, some committee members felt that we were not getting the best coverage for the amount of money being spent. Again this was a minority view. The city has not taken bids since 1982.

Specifications prohibit self funded bidders and H.M.O. bidders from submitting bids. Furthermore they call for Life Insurance for all employees up to \$30,000. Currently the city has coverage of \$30,000 on their Police Department and \$15,000 for all their employees. Although we are taking bids on this \$30,000 package for all employees it can still be used as a negotiating tool for 1987 contract with the unions. The additional \$15,000 coverage for all other employees will cost approximately \$4,000 per year.

All other portions of the specifications are the same as they have been for many years. The Council may want to consider at the next meeting before the bids are opened on July 30th a change in policy for non-union personnel regarding the contribution towards Family Health Coverage. Currently the city has contracts with Fire, Public Works and Police that call for the employee to pay \$20.00 of the Employee Health Coverage and 25% of the cost of that coverage in excess of \$200.00. In the event that the bids come in at \$220.00 the employee would then be required to \$20.00 per month plus 25% of the \$20.00 over \$200.00 or an additional \$5.00 per month. The non-union personnel do not have this other provision nor has it been discussed with them. The purpose of getting it into the union contract was to remind all employees of the cost of the Health Insurance to the city and furthermore to have some incentive to keep the claims as low as possible. If the Council concurs a memo would be sent to all non-union personnel for comments to this suggested change. These comments would then be submitted to the City Council for consideration at the July 21st meeting.

If the Council concurs with the specifications you are requested to authorize the Clerk to advertise said specifications for bids to be taken on July 30, 1986.

GROUP INSURANCE SPECIFICATIONS  
FOR  
EMPLOYEES OF THE CITY OF HASTINGS

1. The Hastings City Council is soliciting bids for continuation of the Group Life, AD&D and Health Insurance for its employees. Currently employees are covered for Life, AD&D, and Health Insurance with Firemen's Fund Insurance Company. The effective date of the coverages contemplated is September 1, 1986. The contract shall be for a term of one year. It is requested that the coverages be bid as a package, including Life, AD&D and Health. It is requested the Health coverage be bid as follows:

Plan I Coverage to be the same as the present plan. Copy of plan is attached as appendix "A".

It is requested that an alternate health plan including dental be bid as follows:

Plan II \$100 deductible, max of three deductibles, 80-20% Co-Ins. of next \$2000, 100% thereafter for balance of calendar year, \$1,000,000 max benefit, family stop loss max \$1,200 per year including deductibles.

Dental Insurance:

100% of Co-Ins. for Diagnostic & Preventive, no deductible.  
80-20% Co-Ins. for restorative, \$25 deductible. (Show premium for this benefit separately)  
\$1000 max benefit per calendar year.

2. Your sealed bids shall be received in the office of the City Administrator Hastings City Hall, Hastings, Minnesota, no later than 10 A.M. July 30, 1986. The City Council reserves the right to reject any or all quotations.
3. Bidding Companies must comply with all Minnesota Statutes pertaining to Group Insurance Coverages.
4. Lowest cost will be determined as defined in Minnesota Statute 471.616
5. Minnesota Statutes do not allow consideration of quotations in which the aggregate value of benefits are not at least equal to the present plan. For this reason, your underwriting department must quote as per specifications. If this is not complied with and in the event of contradiction between the Master Policy issued and the specifications, the specifications of the City shall prevail.
6. Self Funded bids and HMO bids will not be considered.

Page 2- Bid Specifications (continued)

7. Life, and AD&D - all employees - \$30,000.
8. New Employees shall be covered after 30 days employment. Employees who work ~~30~~ hours or more per week shall be eligible for Life, AD&D and Health.
9. You will pick up presently insured employees (and dependents) as of the effective date of the change on a loss/no gain or continuity of coverage basis (including employees and/or dependents where coverage is being continued under provisions required by state legislation.)
10. Waiver of Deductible - Credit shall be given to those employee's or dependents who have satisfied either all, or part of their deductible with the previous carrier, for the current calendar year.
11. Employees who retire before the age 65 shall be permitted to continue their life, AD&D and health coverage in the group insurance plan to age 65. All present retired employees must also be included.
12. Please describe your company's method used in experience rating in this case.
13. A copy of the present plan of Life, AD&D and Health insurance is attached as Appendix "A".
14. Employee census data is attached as Appendix "B".
15. Experience information is attached as Appendix "C".
16. The attached bid sheet must be submitted with your quotation and signed by an authorized officer.
17. The agent or agents bidding shall be a resident of the City of Hastings and shall be a full-time qualified representative, available to provide service for the employer and employees.
18. Present rates:

Life and AD&D -	.44 per 1000
Employee Health -	\$71.30
Family Health -	\$197.90
19. The City pays the cost of the Life and AD&D and Employee Health. Employees with Family Health pay \$20.00 per month.



VI-B-10

# HASTINGS INDEPENDENT SLO-PITCH LEAGUE

KEVIN HENRIKSEN  
LEAGUE DIRECTOR  
437-4028

1820 OAK STREET  
HASTINGS, MINNESOTA 55033

June 30, 1986

Mayor Lu Stoffel  
Hastings City Council  
Mr. Gary Brown  
Mr. Marty McNamara

Dear City Staff:


Due to a conflict beyond our control, we request a change in the dates of beer license/permit issued to us for July 12 - 13.

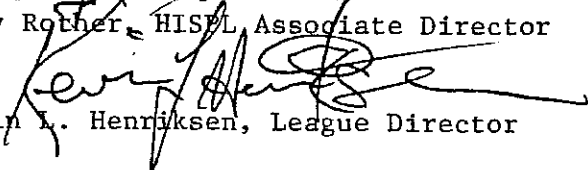
Please change the dates to July 19 - 20. We have reserved the Veterans Park Softball Complex for a weekend tournament.

We will hire off-duty police officers for that and future weekends this summer.

We apologize for any inconvenience this may cause.

Respectfully,

  
Gary Rother, HISPL Associate Director

  
Kevin L. Henriksen, League Director

MEMO

TO: Mayor and Council

FROM: Gary E. Brown *GB*

DATE: July 3, 1986

SUBJECT: City Hall Proposal-Dick Fuch's

Architect Dick Fuch's is working with several contractors to come up with a proposal to the City Council with some ball park estimates so that the Council has a full understanding of what the costs would be in remodeling. The City's Building Inspector, Merlin Wilbur is still reviewing interpretations of State Local and Federal Statutes regarding accessibility. The problem seems to be with the definition of accessibility.

It appears that it is very difficult to get anyone to put down in writing what the definition of this word is as it pertains to the handicapped laws. Obviously this effects the cost of our renovation dramatically. Before the City Council is asked to give the go ahead for plans to be drawn a decision will have to be made by our Building Official regarding this interpretation. At the time of this writing it is felt that a proposal can be submitted to the Council on Monday night for future consideration.

It appears from the attached letter from Kurt K. Strom, Acting Director of the Minnesota State Council for the handicapped, that the interpretation of the State Statutes and Federal Law that accessibility means making the program available to the individual (see last sentence in second paragraph).

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# MINNESOTA STATE COUNCIL FOR THE HANDICAPPED

6-20-86



Metro Square, 7th & Robert St., Suite 208 • St. Paul, Minnesota 55101  
612-296-6785  
1-800-652-9747 — Toll-free Statewide  
Voice & TTY

June 19, 1986

Gary Brown, City Administrator  
City Hall  
100 Sibley  
Hastings, MN 55033

Dear Mr. Brown:

I read with considerable interest the article in the June 11 St. Paul Pioneer Press and Dispatch concerning accessibility of your city hall to physically disabled persons.

As I understand the situation, two alternatives are being considered to achieve accessibility: remodeling the current building or constructing a new one. While making a building barrier-free is certainly the preferred approach from the perspective of disabled persons, it is not the only approach allowed by state and federal law. Both the Minnesota Human Rights Act and Section 504 of the Rehabilitation Act of 1973 require that programs be made accessible. The best way of complying with the requirement, of course, is to make the building accessible in which the program is being offered. It is also allowable, however, to move the program to a location that is accessible or to make other arrangements to ensure that disabled persons receive the services.

In the case of city council meetings, I wonder if you have considered holding the meetings at another site that is accessible until building a new city hall is more feasible. I believe such a solution will comply with the applicable laws, and in the end you will have a new, totally accessible city hall. In considering such a solution, of course, you will have to look at what other services are now being provided at city hall, because they will also need to be accessible. Home delivery of services or other special arrangements are possibilities, depending on the nature of the service. And it is absolutely essential to the success of any such plans that you involve local disabled people in the planning process.

I want to congratulate you and your city council for your concern about opening city hall to your disabled citizens. I hope some of the ideas I have mentioned may be useful to you. If the State Council for the Handicapped can be of further assistance to you, please feel free to contact me at 296-1742.

Sincerely yours,

*[Handwritten signature of Kurt E. Strom]*  
Kurt E. Strom  
Acting Director

*Spoke with Mr. Strom this am July 11 1986. He agreed with my interpretation that entire building does not need to be accessible to handicapped. KES*

cc: City Council members  
Clarence Sindt, Jr., Member MN State Council for the Handicapped

KS:ck





richard p. fuchs, architects • first nat'l bank bldg.  
hastings, minnesota 55033 • telephone 612•437•5366

V1311

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

\$252,000

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

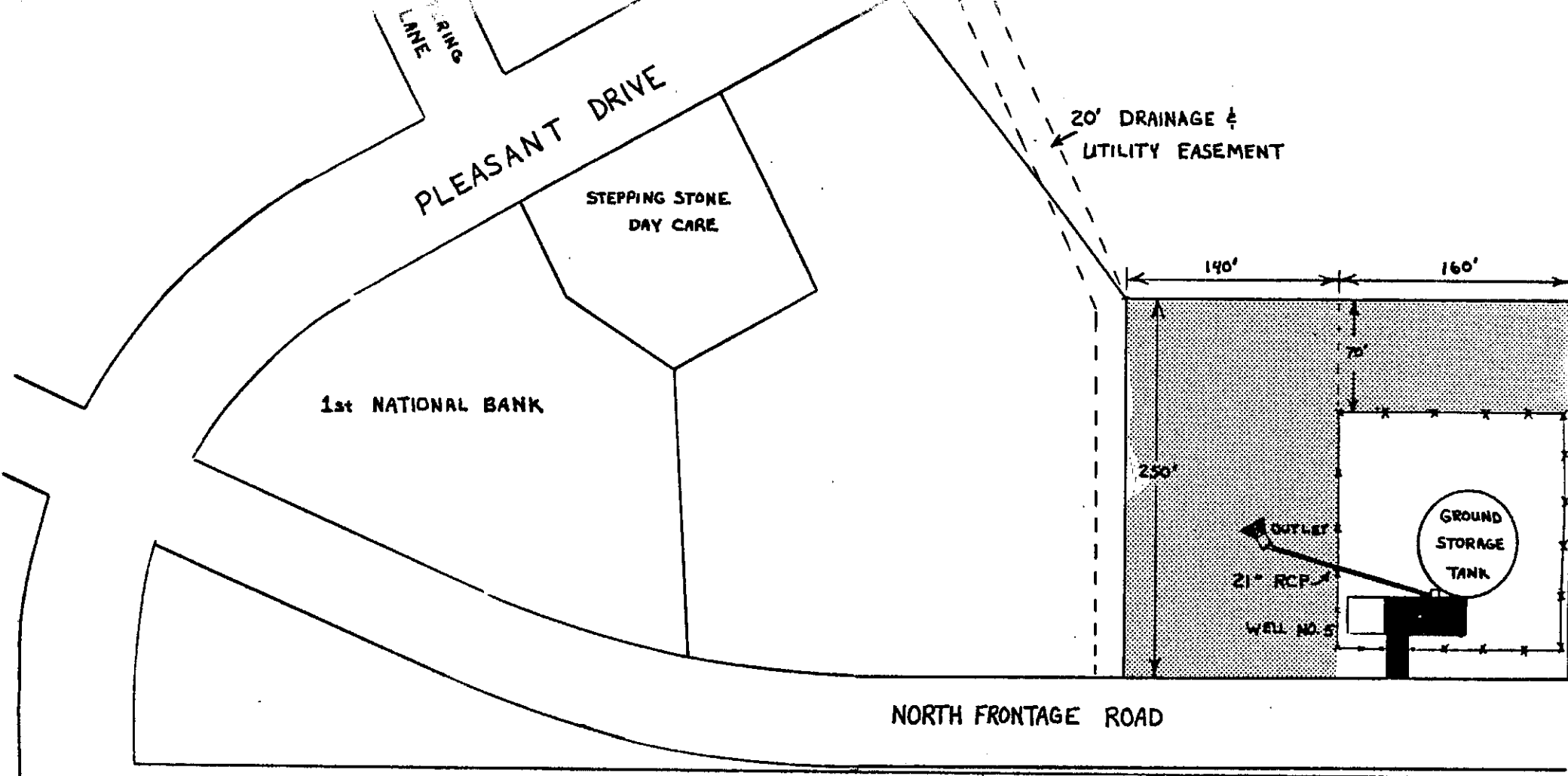
By: 

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



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

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

July 3, 1986

VIC  
250  
140  
10000  
250  
35000  
11200  
461 200  
160  
70  
11200

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  
hawn M. Moynihan  
Carol A. Eckersen  
Kathy A. Endres  
Michael R. Strom  
John O. Sonsteng

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

Re: Charter Amendments

Dear Mayor and City Council Members:

We have been asked to review the new charter amendments and comment on how those amendments will affect Council procedure.

By law, the new amendments go into effect 30 days after the election unless another date is specified by the Charter Commission. All amendments will become effective 30 days from the election except the amendment which reduces the number of Council persons to six and the amendment which creates a four year term for the Mayor. All charter amendments except the two just mentioned will become effective on July 24, 1986. The first regular meeting at which the Mayor will vote is August 4, 1986.

It should be kept in mind that once the Mayor acquires the right to vote and until the first meeting in January, there will be nine voting members of the City Council. Beginning with January, 1987, the Council will have seven voting members.

With the Mayor acquiring the right to vote, the number of votes needed to approve various matters has changed.

Special Use Permits and Variances

City Ordinance 2.04(7) requires the concurring vote of 75% of the entire Council to approve any special use permit or variance. Prior to January, 1987, seven concurring votes will be needed to approve any special use permit or variance. Beginning with January, 1987, six concurring votes will be required to approve a special use permit or variance.

Rezoning Amendments

Minn. Stat. §462.357, Paragraph 2 requires a 2/3 vote of the entire Council to approve an amendment to the zoning ordinances.

OFFICES ALSO AT:

Red Wing, MN  
(612) 388-1581

Cottage Grove, MN  
(612) 459-1019

\*Also admitted in Wisconsin



Prior to January, 1987, an amendment to the zoning ordinance will require six concurring votes. Commencing with January, 1987, five concurring votes will be required to approve an amendment to the zoning ordinances.

#### Quorum

In years past, the Mayor was not counted when determining a quorum for the meetings. After the Mayor acquires the vote and prior to January, 1987, the Mayor will be considered part of the Council and will be counted in determining a quorum for each meeting. Therefore, prior to January, 1987, five Council Members/Mayor shall constitute a quorum for a Council meeting. Beginning January, 1987, four Council Members/Mayor will be a quorum.

#### City Administrator's Duties

Section 2.80 of the City Code outlines the duties of the City Administrator. As a result of the charter election, this section now contains outdated provisions regarding the City Administrator's duties, especially in the area of the Administrator's authority over City employees.

I recommend that an ordinance be drafted which would make Section 2.80 consistent with the new charter provisions regarding the Administrator's duties. This proposed ordinance would contain much of the language in the existing ordinance but would also incorporate the new duties authorized by the charter amendment.

#### Agenda

Section 2.52(1) of the City Code outlines the procedure to be followed by the City Administrator in establishing the agenda for each Council meeting. The new charter amendment restricts the manner in which items can be placed on the agenda and discussed at the meeting.

It is recommended that Section 2.52(1) be amended to add those new restrictions now imposed by the charter amendment.

#### Council Committees

At a regular Council meeting in January, the Mayor is to propose committee assignments to the Council for its approval. (City Ordinance 2.52(2)). The Mayor is to appoint a Chairman and Vice-Chairman for each committee. Additionally, the present ordinance requires that there be five Council persons on each committee.

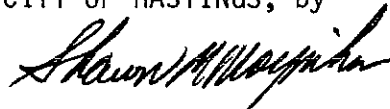
With the size of the Council soon to be reduced, the Council should consider whether these committees should be composed of five

Council persons or perhaps some lesser amount. Also, with the Mayor being considered a member of the Council, under the present ordinance the Mayor would be required to serve on Council committees.

If the Council desires, I would be happy to draft proposed ordinances, with the assistance of staff, regarding these various ordinances which are affected by the charter amendments.

Very truly yours,

CITY OF HASTINGS, by

A handwritten signature in black ink, appearing to read "Shawn M. Moynihan". The signature is written in a cursive style with a large, sweeping initial "S".

Shawn M. Moynihan  
Assistant City Attorney

SMM/bap

cc: Gary E. Brown

CITY OF HASTINGS  
DAKOTA COUNTY MINNESOTA

City Project No. 1984-11 Watertower Watermain Project.

Honorable Mayor and Members of the City Council.

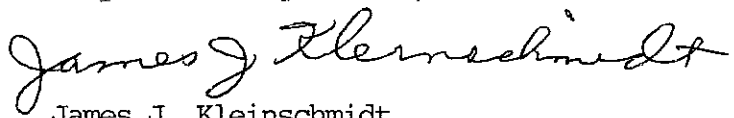
This is to advise that I have reviewed the work under contract to S.J. Louis Construction Company under Project No. 1984-11.

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 Amount:	\$162,915.45
Previous Payment:	\$152,862.33
Balance Due:	\$10,053.12

Sincerely yours,  
City of Hastings



James J. Kleinschmidt  
City Engineer

cl

CITY OF HASTINGS

100 Sibley Street  
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

ESTIMATE NO. 3 (FINAL) PERIOD ENDING: June 12, 1986 CITY NO. 84-11  
CONTRACTOR: S.J. Louis Construction Co. Page 1 of 1  
ORIGINAL CONTRACT AMOUNT: \$159,632.30

ITEM NO	DESCRIPTION	PREVIOUS QUANTITY	PRESENT QUANTITY	UNIT PRICE	EXPANDED TOTAL
WM 1	16" CL 51 DIP WM	16	16	\$54.10	\$865.60
WM 2	12" CL 52 DIP WM	2699	2727.72	\$36.10	\$98,470.69
WM 3	12" CL 53 DIP WM	500	500	\$37.10	\$18,550.00
WM 4	12" CL 54 DIP WM JACKED WITH 20" CARRIER PIPE	60	60	\$86.10	\$5,166.00
WM 5	12" CL 54 DIP W/ 20" CARRIER	45	45	\$61.10	\$2,749.50
WM 6	6" CL 52 DIP WM	21.5	21.5	\$37.10	\$797.65
WM 7	CIP FITTINGS	5744	5744	\$1.00	\$5,744.00
WM 8	12" BUTTERFLY VALVE	7	7	\$704.00	\$4,928.00
WM 9	10" BUTTERFLY VALVE	3	3	\$600.00	\$1,800.00
WM10	6" GATE VALVE	2	2	\$331.00	\$662.00
WM11	HYDRANTS	3	3	\$908.00	\$2,724.00
WM12	MECHANICAL TRENCH COMPACTION	3523	3791.08	\$1.00	\$3,791.08
WM13	ROCK EXCAVATION	1492.88	1492.88	\$0.01	\$14.93
WM14	CONNECT TO EXIST. 12" WM	1	1	\$125.00	\$125.00
WM15	CONNECT TO EXIST. 10" WM AT STA. 33+01	1	1	\$500.00	\$500.00
WM16	CONNECT TO EXIST. 10" WM AT WATER TOWER	1	1	\$833.00	\$833.00
WM17	INSULATION	30	30	\$16.00	\$480.00
WM18	REPAIR 4th ST AT STA 33+01	75%	100%	\$1,155.00	\$1,155.00
WM19	REPAIR FRONTAGE ROAD	100%	100%	\$940.00	\$940.00
WM20	REPAIR 4th ST AT WATER TOWER	75%	100%	\$1,260.00	\$1,260.00
WM21	CONSTRUCT ALTITUDE VALVE MH COMPLETE W/ MH, INSULATION DOOR, VALVE, PIPING & MODIFICATIONS TO THE EXISTING WATER SYSTEM	90%	100%	\$11,359.00	\$11,359.00

Total Contract Work Completed \$162,915.45

Less Percent Retained (0%) \$0.00

Less Previous Contract Payment \$152,862.33

Total Deductions \$152,862.33

AMOUNT DUE THIS ESTIMATE \$10,053.12

Contractor James J. Louis Date 6/25/86

Engineer James J. Heinschmidt Date 6-27-86

MEMO

To: Honorable Mayor & Members of the City Council

From: J.J. Kleinschmidt, City Engineer

Subject: Proposed stop signs - 7th & Forest

Date: June 30, 1986

A letter was received from Patrick Walsh, 307 W. 7th St. and a telephone call was received from Mrs. Mead 506 W. 7th St. Also a call was received from Jeannie Holub 312 State Street. All requested possible stop signs at the intersection of 7th St. and Forest St.

The Manual on Uniform Traffic Control Devices, Section 2B-5 Warrants for Stop Signs, reads in part as follows:

"Because the STOP sign causes a substantial inconvenience to motorists, it should be used only where warranted. A STOP sign may be warranted at an intersection where one or more of the following conditions exist:

- 1. Intersection of a less important road with a main road where application of the normal right of way rule is unduly hazardous.
- 2. Street entering a through highway or street,
- 3. Unsignalized intersection in a signalized area.
- 4. Other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the STOP sign."

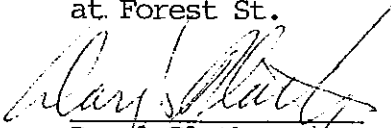
Conclusion:

The warrants for stop signs have been met because of the restricted view approaching the intersection from the north and also because of the accidents here. The accident record at 7th & Forest is as follows:


- 1983 no accidents
- 1984 one (1) personal injury accident and one (1) property damage accident.
- 1985 one (1) property damage accident
- 1986 one (1) personal injury accident (motorcycle)

Recommendation:

Stop signs are recommended on the north and south sides of 7th St. at Forest St.

  
 Daryl Plath  
 Chief of Police

  
 James Kleinschmidt  
 City Engineer

  
 Keith Rosch  
 Street Superintendent

506 W. 7th

June 13, 1986

City of Hastings  
Attention: City Council  
100 Sibley St.  
Hastings, MN 55033

Dear Council Members,

Last evening around 7PM an accident occurred at the intersection of 7th St. and Forest St. in Hastings involving a motorcycle which was speeding in excess of an observed 50mph, and another car. Needless to say, the motorcycle operator was gravely injured, and possibly did not survive the accident. I don't know at this time whether he made it or not.

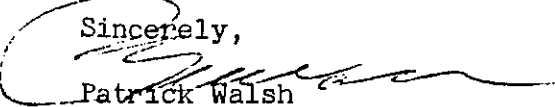
I reside at 307 W. 7th St ( 7th & Spring St.). It is a common knowlege among the neighbors surrounding us that the traffic problem on both 7th street and 8th streets is a serious condition that needs correcting. Last night's accident just added to an already unacceptable situation. It would seem appropriate to consider installing STOP signs, YIELD signs, or some other method of control with which to slow the traffic down on these streets. There are a growing number of families, like us, that have small children playing in the neighborhood. That is my greatest concern- the kids. For the past two and a half years since we moved into the neighborhood, it has become quite evident that the amount, and speed, of traffic past our home has steadily increased. Only last week another accident occurred at the intersection of 7th and Spring streets - one of several in just the past year. I think if you inquire as to the frequency of accidents within a 3 to 5 block radius of 7th & Spring streets from your Police Dept., you will be informed of the increases.

Please consider giving this matter your immediate attention before someone else, hopefully not a child, gets injured. Posting speed limit signs does not seem to affect the offenders - they just ignore them. Many of us in the neighborhood saw the speeding motorcycle, and the accident happen last night. It was an unfortunate occurrence that could have been avoided with the proper traffic speed controls in use. This is not a rare occurrence - I personally have observed many, many violations of the speed laws in front of my home - it is a daily thing. And it seems to be at least as bad, if not worse, on 8th street, which is a "thru" street with no stop signs from Hwy 61 to Hwy 55.

Many of my neighbors share my concerns, although as human nature dictates, they would not say anything about it unless asked. You may want to do just that-ask them their opinion on the severity of this problem. Don't take my word for it. Ask anyone in the neighborhood - I think you'll get the same answers and concerns.

I respectfully submit this letter with the hopes it will make a difference.

Sincerely,

  
Patrick Walsh  
307 W 7th St.  
Hastings, MN 55033  
437-1080

## MEMO

To: Honorable Mayor & Members of the City Council  
From: J.J. Kleinschmidt, City Engineer  
Subject: Project No. 1986-11 Pine St. from 2nd St. to T.H. 55  
Date: July 3, 1986

Refer to the enclosed memo dated June 11, 1986 from me to the City Council. I have the following comments:

- Item 2 - The sidewalk width can be changed from 5' to 4' without affecting the integrity of the project.
- Item 3 - It is staff's opinion that sidewalks should not be placed adjacent to the curbs for the following reasons:
  - a. Snow from the streets would be plowed directly onto the sidewalks making it difficult for snow to be removed.
  - b. It is desirable to have a boulevard between the sidewalk and the curb so that signs (No parking, stop etc.) can be placed here. Signs placed in the sidewalk would be a hindrance to walkers and bikers.

We feel that sidewalks can be constructed in the locations shown on the approved plans without affecting the existing trees. If, in a years time, trees appear to have been affected by the sidewalk construction, the City could cut down the affected trees and plant 1½" new trees.

- Item 4 - If the City Council wishes, the existing sidewalk could remain between 3rd St. and 4th St.

*James J. Kleinschmidt*

jt

MEMO

To: Honorable Mayor & Members of the City Council

From: J.J. Kleinschmidt, City Engineer

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

Date: June 19, 1986

At the City Council meeting held on June 16, 1986, I was asked to check with the State Aid Division of MNDOT to find out how long it would take to review changes listed as items 2,3, & 4 of the enclosed memo. MNDOT responded that these revisions were minor in nature and would only have to be reviewed by the District Office in Oakdale. It is estimated that this review would take 1-2 weeks.

Since items 2,3 & 4 would require less concrete, it is anticipated that these changes will not result in any change in contract costs.

*James J. Kleinschmidt*

jt



VIA 2

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: J.J. KLEINSCHMIDT, CITY ENGINEER

SUBJECT: PROJECT NO. 1986-11 PINE ST. FROM 2ND ST. TO T.H. 55

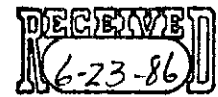
DATE: JUNE 11, 1986

On Monday June 9, 1986 the second ward Councilmen and I met with residents of Pine St. between 2nd St. and T.H. 55. About 25 residents were present. The residents expressed various concerns about the project. The major concerns were as follows:

1. Street width should be 32' (approved construction plans call for 36')
2. Sidewalk width should be 4' (approved construction plans call for 5')
3. Between 5th St. & T.H. 55, sidewalk should be placed on east side of street on west side of existing trees (Approved construction plans call for sidewalk to be placed on east side of street on east side of existing trees from 5th St. to 7th St. and on west side of existing trees from 7th St. to T.H. 55).
4. Sidewalk between 3rd & 4th St. should not be replaced (approved construction plans call for this sidewalk to be replaced).
5. Existing stop signs on Pine St. at 3rd, 4th, 5th & 7th Streets should be replaced (approved construction plans call for these signs to be replaced).

*James J. Kleinschmidt*

jt



# Information



Public Finance Advisors  
85 East Seventh Place, Suite 100  
Saint Paul, Minnesota 55101-2143  
612-223-3000

20 June 1986

Mr. Gary Brown, City Administrator  
City Hall  
100 Sibley Street  
Hastings, Minnesota 55033

RE: Hydroelectric Project Refinancing

Dear Gary:

You requested I respond to the feasibility of the City's refinancing the variable rate hydroelectric project bonds with long-term definitive bonds, taking advantage of the strong current tax-exempt market. The bond ordinance does have provision for refinancing the debt at any time, and in fact contains provisions for mandatory redemption if the definitive bonds can be refinanced at a rate less than 7.5%, having sustained that level for a period of two quarters. While the current market has been very strong, the calculations have not indicated that kind of strength over that sustained period of time.

When the City switched to a full general obligation pledge to support the bonds we were very concerned about the ability of the City to retain its "A" rating. Moody's, as you will remember, would not rate the general obligation bonds until after the project was constructed and operating. We even made a special trip to New York to try to sell them on the project, to avoid having to pay for the letter of credit. In our most recent conversations with Moody's regarding the improvement bonds just issued, concern was expressed about the hydro project, but that concern was waived because the City has a letter of credit from First Bank Minneapolis providing the security prior to the actual operation of the facility. It is our opinion, based upon our conversations with Moody's, that the addition of \$9.3 million of additional general obligation debt, unsecured by any other resources than the City's full faith and credit, could jeopardize the rating of all of the City's debt.

In developing the concept of variable rate we used, in all of discussions with the bank, underwriters, and rating agencies, the concept that the variable rate would extend through the construction period, reducing the requirement of capitalized interest (very important consideration because of the \$10 million limitation), and permit some time to bring the facility on line and work out any bugs that may occur. We still believe this is the best route for the City, even though the current interest rates on definitive financing are very strong.

I have attached a chart of the tax-exempt variable rates as they now apply to your bond issue. The City received its "A" rating from Standard & Poor's, based upon the letter of credit from First Bank Minneapolis. Because of that rating the interest rate on the bonds is TENR plus 25 basis points. TENR is

Mr. Gary Brown, City Administrator  
20 June 1986  
Page 2

calculated by Banker's Trust each Wednesday, and on the 18th TENR was 3.625%. Add the 25 basis points and the City is paying 3.875% for this week. I think it is crucial that the City keep its interest costs as low as possible during the construction phase so that if there are any problems or additional needs, money will be available from the bond proceeds. Once the project is up and operating the City can at that time apprise whether or not to continue with variable rate or convert to a fixed rate basis. That option is available to the City at any time, providing tremendous flexibility.

If you have any further questions regarding this, please do not hesitate to give me a call.

Cordially,



Ronald W. Langness  
Senior Vice President

/dlr

Attachment

# TENR RATES +25

1984 thru PRESENT

