

COUNCIL MEETING

7:30 P.M.

Date: May 19, 1986

AGENDA

I CALL TO ORDER:

II ROLL CALL:

III DETERMINATION OF QUORUM:

IV APPROVAL OF MINUTES:

Minutes of meeting of May 5, 1986 & Special Meeting of May 7, 1986

V AWARDING OF BIDS AND HEARING

1. Public Hearing-Variance to Flood Plain Ordinance.

VI REPORTS FROM CITY STAFF:

A. City Planner

1. 3rd Reading-Ordinance No. 200 - Publication requirements - Vacation Requests.
2. Request for variance to Section 6.1 of Hastings Flood Plain regulations-Ron Shandley.
3. Site Plan review-4 plex at Lot 1, Block 3, Riverwood Addition (3085 Riverwood Drive) Columbus Freiermuth.

B. City Administrator

1. Real Estate Abatements.
2. Chamber of Commerce request-Rivertown Days 1986.
3. Chamber of Commerce request-Beer license.
4. 1st Reading-Charter Amendments-housekeeping items.
5. Bill for Charter Commission Attorney.
6. Appoint Water Operator II.
7. Accept resignation-Harry Knoll-effective June 30, 1986-consider vacancy.
8. Authorization to hire Labor Relation Associates-Fire Contract.
9. Request for police officer.
10. Authorize additional depositories.

C. City Attorney

D. City Engineer

1. Request to purchase polaroid camera.
2. Resolution requesting Commissioner of Highways for advance encumbrance of Municipal State Aid Street Funds.
3. Request authorization to have Mayor & City Clerk sign agreement between Loesch's & City of Hastings.
4. Request authorization to have Mayor & City Clerk sign agreement between William & Linda Dietner & City of Hastings.

VII COMMENTS FROM AUDIENCE:

VIII UNFINISHED BUSINESS:

IX NEW BUSINESS:

X REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMEMBERS

XI COMMUNICATIONS AND MISCELLANEOUS BUSINESS

XII PAYMENT OF CLAIMS

Consent Agenda:

1. Pay all bills as audited.
2. Sidewalk Reimbursement-Don Sherry-\$612.50.

XIII ADJOURNMENT

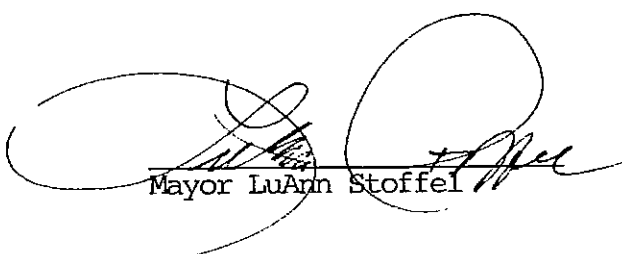
CITY OF HASTINGS

100 SIBLEY STREET, HASTINGS, MINNESOTA 55033-0097
Phone (612) 437-4127



SPECIAL MEETING NOTICE

Special closed door meeting of the City Council to be held
Monday at 6:45 p.m. in the City Hall Council Chambers to discuss
Local 320 Fire Contract.



Mayor LuAnn Stoffel

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, May 5, 1986 at 7:30 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 Mayor called for additions or corrections to the minutes of the meeting of April 21, 1986 and the Special meeting of April 28, 1986 and hearing none declared the minutes approved as presented.

The Mayor read into the record the following proclamation: PROCLAMATION

Whereas the family is and has traditionally been recognized as the foundation of our society;

Whereas thousands of families in our nation experience sorrow each year because of runaway, missing, or estranged members;

Whereas organizations exist which can assist families and missing members in establishing contact with one another;

Whereas estranged and missing individuals should be encouraged to use the services furnished by these organizations or to contact their families directly;

Whereas families should be encouraged to honor the individual member's efforts to communicate and to respect the individual's right to privacy;

Whereas the strength of our nation can be increased through the reunion of families and the reaffirmation of family ties; and

Whereas Mother's Day and Father's Day are times when our citizens celebrate the importance of families; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled. That the President of the United States is authorized and requested to issue a proclamation designating Mother's Day to Father's Day as "Family Reunion Month", and calling upon the people of the United States to observe the time with appropriate programs and activities.

The Mayor declared the Public Hearing open at 7:34 p.m. to consider the request for a Utility and Drainage Easement for Lots 7 & 8, Block 1, Olson's Addition, 111 West 25th Street. The City Administrator provided the proof of affidavit of publication. The Mayor asked if anyone wished to speak on the issue, no one wished to do so. The Mayor closed the public hearing at 7:35 p.m.

PUBLIC HEARING-
VACATION OF
DRAINAGE & UTILITY
EASEMENT, LOT 7 &
8 BLOCK 1, OLSON'S
ADDITION

The Mayor declared the Public Hearing open at 7:35 p.m. to consider rezoning Bauer View 2nd Addition from R-3 to R-1. The City Administrator provided proof of affidavit of publication. The Mayor asked if anyone wished to speak on the issue, no one wished to do so. The Mayor closed the public hearing at 7:36 p.m.

PUBLIC HEARING-
REZONING BAUER
VIEW 2ND ADDITION -
R-3 TO R-1

The Mayor declared the Public Hearing open at 7:36 p.m. to consider amending Section 6.09 of the City Ordinance changing publication requirements for notice of hearings on vacation requests. The City Administrator provided the proof of affidavit of publication. The Mayor asked if anyone wished to speak on the issue, no one wished to do so. The Mayor declared the public hearing closed at 7:37 p.m.

PUBLIC HEARING-
PUBLICATION
REQUIREMENTS -
VACATION REQUESTS

Moved by Councilmember Trautmann, seconded by Councilmember Plan to adopt Resolution No. 44-86 awarding the 1986 City Improvements to the apparent low bidder Austin P. Keller Construction Company in the amount of \$1,398,746.55. 8 Ayes; Mayes, None. Copy of resolution on file.

RESOLUTION NO. 44-
86 AWARD BID-1986
CITY IMPROVEMENTS

May 5, 1986

RESOLUTION NO. 45-86
AWARD BID-SANITARY
SEWER ON PINE

Moved by Councilmember Berg, seconded by Councilmember Werner to adopt Resolution No. 45-86 awarding the bid for the reconstruction of sanitary sewer on Pine Street between 3rd and 6th Street to the apparent low bidder Northdale Construction Company in the amount of \$49,648.00. 8 Ayes; Nays, None. Copy of resolution on file.

RESOLUTION NO. 46-86
AWARD BID-EXTENSION
OF STORM SEWER

Moved by Councilmember Berg, seconded by Councilmember Kulzer to adopt Resolution No. 46-86 awarding the bid for the extension of a storm sewer in the vicinity of 15th and Hillside Street to the apparent low bidder Freiermuth Sanitation in the amount of \$2,070.00. 8 Ayes; Nays, None. Copy of resolution on file.

RESOLUTION NO. 47-86
AWARD BID-DUTCH ELM
PROGRAM

Moved by Councilmember Trautmann, seconded by Councilmember Kulzer to adopt Resolution No. 47-86 awarding the bid to the only bidder Hoffman and McNamara in the amount of \$180 per tree times 200 trees equalling \$36,000.00. 8 Ayes; Nays, None. Copy of resolution on file.

RESOLUTION NO. 48-86
VACATION OF UTILITY
& DRAINAGE EASEMENT

Moved by Councilmember Nesbitt, seconded by Councilmember Trautmann to adopt Resolution No. 48-86 approving the vacation of a Utility and Drainage Easement Lot 7 & 8, Block 1, Olson's Addition, 111 West 25th Street. 8 Ayes; Nays, None. Copy of resolution on file.

2ND READING-ORDINANCE
AMENDMENT-REZONING
BAUER VIEW 2ND
ADDITION

Moved by Councilmember Bond, seconded by Councilmember Werner to approve the 2nd Reading of an Ordinance Amending Section 10.01 Subdivision 1 of the City Code rezoning Bauer View 2nd Addition from R-3 to R-1. 8 Ayes; Nays, None.

2ND READING-
ORDINANCE AMEND-
MENT PUBLICATION
REQUIREMENTS

Moved by Councilmember Werner, seconded by Councilmember Plan to pass the 2nd Reading of an Ordinance Amending Section 6.09 changing publication requirements for notice of hearings on vacation requests. 8 Ayes; Nays, None.

FINAL PLAT-WILLIAMS
1ST ADDITION

Moved by Councilmember Berg, seconded by Councilmember Werner to approve the final plat for Williams 1st Addition per the Planning Commission recommendations. 2 Ayes; Nays, Mathiowetz, Berg, Kulzer, Bond, Nesbitt and Plan. Motion fails.

Moved by Councilmember Kulzer, seconded by Councilmember Nesbitt to pass the 3rd Reading of Ordinance No. 199 Rezoning from Agricultural to R-3 PRD, Williams 1st Addition. 8 Ayes; Nays, None.

Moved by Councilmember Nesbitt, seconded by Councilmember Berg to reconsider the vote on the Final Plat of Williams 1st Addition. 6 Ayes; Nays, Kulzer and Bond. Motion passes.

Moved by Councilmember Trautmann, seconded by Councilmember Berg to approve the Final Plat for Williams 1st Addition subject to the Planning Commission recommendations as follows: 5 Ayes; Nays, Kulzer, Bond, Nesbitt and Plan.

1. That the abandoned well on the project site be properly capped and/or filled pursuant to Local and State Laws.
2. That the Developer submit to the City for approval and implement an erosion and sedimentation control plan for the proposed project.
3. That a barricade be placed on the gravel portion of Whispering Lane to discourage everyday traffic and associated potential dust problems.
4. That a Developers Agreement be entered into to take into consideration those items of concern which were brought forward during the platting, rezoning and E.A.W. process.

SHEPHARD VALLEY
LUTHERAN CHURCH-
SITE PLAN REVIEW

Moved by Councilmember Werner, seconded by Councilmember Kulzer to approve the site plan for Shephard Valley Lutheran Church, 4th and Whispering Lane (Lot 1, Block 1 Schumacher's 3rd Addition) as per the Planning Commission recommendation and related conditions. 8 Ayes; Nays, None.

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Moved by Councilmember Werner, seconded by Councilmember Berg to approve a minor subdivision of Lots 3 & 4, Block 120 original plat, for Al Sieben. 7 Ayes; Naves, Mathiowetz.

MINOR SUBDIVISION-
LOTS 3 & 4, BLOCK
120, ORIGINAL
PLAT

Moved by Councilmember Trautmann, seconded by Councilmember Berg to deny the variance request at 1616 Todd Court for a two foot corner sideyard setback variance based on the following reasons: 8 Ayes; Naves, None.

VARIANCE REQUEST-
1616 TODD COURT

- A. That special conditions and circumstances do not exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the City Code would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- C. That the special conditions and circumstances result from the actions of the applicant.
- D. That granting the variance will confer on the applicant special privileges that are denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

Moved by Councilmember Trautmann, seconded by Councilmember Kulzer to adopt Resolution No. 49-86 providing for public sale of \$1,475,000.00 General Obligation Improvement Bonds and considering the bonds for award at the June 16, 1986 regular City Council meeting. 8 Ayes; Naves, None. Copy of resolution on file.

RESOLUTION NO.
49-86 PROVIDING
FOR PUBLIC SALE
GENERAL OBLIGATION
IMPROVEMENT BONDS

Moved by Councilmember Plan, seconded by Councilmember Werner to set a Public Hearing for the May 19, 1986 regular City Council meeting to consider a request for variance to the Flood Plain Ordinance. 8 Ayes; Naves, None.

SET PUBLIC HEARING-
FLOOD PLAIN
ORDINANCE

Moved by Councilmember Nesbitt, seconded by Councilmember Werner to adopt the revised Personnel Policy for the Non-Union Employees. 8 Ayes; Naves, None.

ADOPT PERSONNEL
POLICY

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to appoint the following Judges to serve for the Special Election on June 24, 1986.

APPOINT ELECTION
JUDGES-SPECIAL
ELECTION

Ward 1
Gloria Stoneberg, Chairperson
Claire Bieraugel
Evelyn Blanchard
Joan Moes

Ward 2
Helen Werth, Chairperson
Mickey O'Connor
Viveke Solac
Joan Grier

Ward 3
Joanne Dempsey
Fern Swanson
Janice Burr
Jackie Kane

Ward 4
Marilyn Rother
Marcia Pletcher
Elizabeth Zweber
Diane Christnagel

Reserve Judges
Pat Pederson
Lorraine Nolan
Dorothy Swanson
Mary Ann Teuber

6 Ayes; Naves, Mathiowetz. Councilmember Trautmann was absent for this vote.

Moved by Councilmember Nesbitt, seconded by Councilmember Werner to appoint Dianne Latuff as Deputy Clerk for Elections. 7 Ayes; Naves, Mathiowetz.

RESOLUTION NO.50-86
DEPUTY CLERK OF
ELECTIONS

Moved by Councilmember Plan, seconded by Councilmember Kulzer to appoint Al Herrmann to the position of Maintenance Operator I effective May 1, 1986 and authorize the posting and advertisement of a Maintenance Operator II position. 8 Ayes; Naves, None.

WATER DEPARTMENT
OPERATOR II

Moved by Councilmember Mathiowetz, seconded by Councilmember Berg to refer the request by the Hastings Rivertown Days Committee to the Planning Committee of the Council. 7 Ayes; Naves, Werner

CHAMBER REQUEST-
RIVERTOWN DAYS

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May 5, 1986

CHAMBER REQUEST-
BEER LICENSE

Moved by Councilmember Trautmann, seconded by Councilmember Bond to refer the Chamber of Commerce request for a beer license to the Planning Committee of the City Council. 7 Ayes; Naves, Werner

LAKE ISABEL
RESTORATION PROJECT

Moved by Councilmember Werner, seconded by Councilmember Nesbitt to have the City of Hastings obtain the necessary permits required by the State Department of Natural Resources, the U.S. Army Corps of Engineers, and as required, the Pollution Control Agency, for the Lake Isabel Restoration Project, which would not exceed \$250.00. 8 Ayes; Naves, None.

OUT OF STATE
DEPOSITORIES

Moved by Councilmember Werner, seconded by Councilmember Plan to approve the following out of State Depositories:

The Savers Bank of Littleton, New Hampshire
InterAmerican Savings & Loan of Miami, Florida
First Federal Savings & Loan of Roanoke, Virginia
Citicorp Savings of Miami, Florida
Alaska Mutual Bank of Anchorage, Alaska
Ensign Bank of New York, New York
Community Homestead Savings & Loan of Houma, Louisiana
Equitec Savings Bank of Oakland, California
Western Savings & Loan of Arizona, Phoenix, Arizona

6 Ayes; Naves, Berg and Bond.

EXCESS PROPERTY-
ASST. FIRE CHIEF
CAR

Moved by Councilmember Trautmann, seconded by Councilmember Plan to declare the Assistant Fire Chief's car, a 1977 Chevrolet Wagon, as excess property, with this vehicle to be put up for auction. 8 Ayes; Naves, None.

REQUEST FROM
SOFTBALL
TOURNAMENTS

Moved by Councilmember Trautmann, seconded by Councilmember Plan to deny the Hastings Independent Slow Pitch Leagues request that the policy of hiring City Police Officers for weekend tournaments be recinded or changed, per staff's recommendation. 8 Ayes; Naves, None

RESOLUTION NO.
51-86

Moved by Councilmember Berg, seconded by Councilmember Kulzer to adopt Resolution No. 51-86 approving plans and specifications and ordering advertisement for bids for the 1986 Street Overlays, to be considered for award at the June 2, 1986 regular City Council meeting. 8 Ayes; Naves, None.

RESOLUTION NO.
52-86 STOP SIGN
ON 160TH STREET

Moved by Councilmember Berg, seconded by Councilmember Plan to authorize stop signs on Malcolm Avenue at 160th Street and also on Cory Lane at 160th Street. 5 Ayes; Naves, Bond, Trautmann, Mathiowetz and Werner. Motion passes. Copy of resolution on file.

SOFTBALL
TOURNAMENT-DRAM
SHOP LICENSE

Moved by Councilmember Kulzer, seconded by Councilmember Werner to approve a dram shop license for the Hastings Independent Slow Pitch League for Friday, May 9th, Saturday, May 10th and Sunday, May 11, 1986. 8 Ayes; Naves, None.

HANDICAPPED
ACCESSIBILITY-
CITY HALL

Moved by Councilmember Nesbitt, seconded by Councilmember Berg to approve the concept of an elevator being installed in City Hall and authorize staff to have an architectural review of the building. 7 Ayes; Naves, Bond.

CITY ADMINISTRATOR
WAGE INCREASE

Moved by Councilmember Berg to negotiate the City Administrator's salary in the fall of the year. Died for lack of a second.

Moved by Councilmember Berg to approve a 3% increase in the City Administrator's salary effective June 6, 1986. 5 Ayes; Naves, Mathiowetz, Werner, Trautmann and Plan.

Moved by Councilmember Werner, seconded by Councilmember Trautmann to extend the City Administrator's vacation per year by one week. 4 Ayes; Naves, Kulzer, Bond, Nesbitt, Berg and Stoffel.

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May 5, 1986

Moved by Councilmember Bond, seconded by Councilmember
Kulzer to:

CONSENT AGENDA

1. Pay all bills as audited.
2. Amusement Device Licenses renewal.

McCabe's, 880 Bahls Drive
 American Legion Club, 50 Sibley Street
 Don's Super Value, Westview Mall
 Eagles 2212, 1220 Vermillion
 Friar Tucks, 1840 Vermillion
 Hutch's Ice Cream Shop, 310 Vermillion
 Loesch's Bar, 412 Vermillion
 Maco-Bar & Grill, 106 East 2nd
 Mr. C's, 2108 Vermillion
 Pizza Hut, Westview Mall Road
 V.F.W. Post 1210, 320 East 2nd
 Bierstube, 109 West 11th
 The Pillars, 314 Vermillion
 The Bar, 2101 Vermillion
 Hooligan's, 411 Vermillion

8 Ayes; Nays, None.

Moved by Councilmember Trautmann, seconded by Councilmember
Werner to adjourn the meeting 10:40 p.m. 8 Ayes; Nays, None.

ADJOURNMENT

 Mayor, Lu Ann Stoffel

ATTEST

 City Administrator/Clerk, Gary E. Brown

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May 7, 1986

Hastings, Minnesota
May 7, 1986

The City Council of the City of Hastings, Minnesota met in a Special Meeting on Wednesday, May 7, 1986 at 7:00 P.M. in the Council Chambers at City Hall as the Board of Review.

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

Members Absent: Councilmember Kulzer.

The Mayor called the meeting to order at approximately 7:15 p.m. and introduced Dakota County Assessor Office Representative Bill Peterson. Mr. Peterson explained the procedure of appealing to the City Council (Board of Equalization) and that the appeal was required before appeal can be made to the County Board.

General questions were fielded by the City Administrator and Mr. Peterson regarding budget mill rate and procedures for evaluations. Representatives of Dakota County Assessors Office were then made available to the approximately 40 people who had come to the Board of Review meeting. BUDGET MILL RATE

The Mayor recessed the Board of Review meeting at 7:40 p.m. and reconvened it at 8:40 p.m.

John Malban, 1988 Nininger Road, Hastings, Minnesota then appeared before the City Council to request abatement of his taxes. Motioned by Bond, seconded by Werner to abate said taxes. 8 Ayes; Nayes, None. ABATEMENT OF TAXES

Motion made by Councilmember Trautmann, seconded by Councilmember Plan to adjourn the meeting at 8:50 p.m. 7 Ayes; Nayes, None. ADJOURNMENT

ATTEST

Mayor, Lu Ann Stoffel

City Administrator/Clerk, Gary E. Brown

CHARTER COMMISSION MINUTES
APRIL 10, 1986

Present: J. Gilbert, W. Hartman, S. Avent, M. Hovgaard, D. Dobrick,
J. Johnson, E. Beltz and J. McGree.

Absent: C. Caturia

Public: J Stanoch - Attorney

The meeting was called to order by W. Hartman at 7:45 in the City Council Chambers.

C. Caturia wishes to give an affirmative vote on the Council Charter ammendment. Vote 6 - 3.

E. Beltz having also reconsidered wishes to support Council ammendment. Vote is now 7 - 2.

Minutes - M. Hovgaard moved to accept the minutes with E. Beltz seconding. Motion was passed and carried.

John Stanoch - explained simple languages changes does not need a vote but changing the mayor's term from 4 to 2 years would need another vote.

Changes page one adding she to he.

Mayor 3.025 - none

CA 3.025 - J. Johnson asked if Sec. 3.025 should stay in the Charter if he doesn't have authority over the PD. J. Stanoch's interpetation -- CA has the power and the duty to inform the City Council if the mayor is not upholding the duties of the PD. J. Johnson -- this would provide a better check and balances.

J. Johnson moved to accept the grammatical and clarification changes of Proposed Charter Ammendment. D. Dobrick seconding. Motion was passed and carried by unanimous vote. (Sec. note: please attach written changes to minutes)

All Charter ammendments will be placed on the next council agenda which can be adopted by unanimous vote or by ordinance and if not voted on next question will be when will the election take place.

Question -- can housekeeping items if not acted on by council be placed on the ballot? Answer - Housekeeping items placed on the ballot would overload the ballot and just confuse the voters.

L. Stoffle questioned -- the removal of the mayor to appoint people to serve on commissions and committees? J. Johnson - if it does not appear printed with a line through menas no action has been taken on the Section.

L. Stoffle acknowledged the hard work of S. Avent and M. Bolden by presenting them with a certificate.

D. Dobrick reported on sub-committee's work of M. Bolden and W. Hartman regarding the housekeeping items. Changes consisted of adding she or her to he and him -- puoutation -- spelling -- missing words. (Sec. note: please add handwritten changes to minutes.

Sec. 2.07 - submitted to voters.

City Clerk submitted for vote.

After going through the housekeeping items the Commission authorized the Chairperson to submit these items to the City Council to adopt by ordinance. J. McGree moved with J. Gilbert seconding. The motion was passed by unanimous vote.

Sec. 3.05 electronic transfer and 4.01 meeting scheduling dates of meetings will be presented as separate issued for adopting by ordinance.

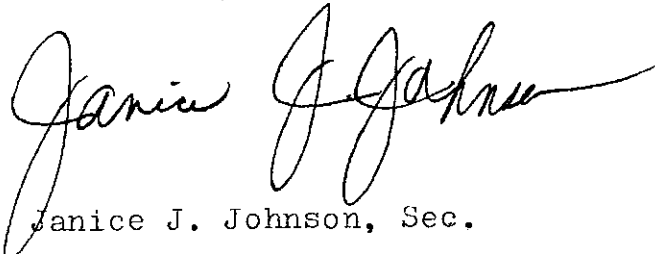
Sec. 3.05 - duties of the mayor in general as recommended by the City Attorney - E. Beltz moved with D. Dobrick seconding. Motion was passed by unanimous vote.

Sec. 4.01 - Council meetings-- regular meetings as recommended by the City Attorney. Sharon Avent moved with D. Dobrick seconding. Motion was passed by unanimous vote.

Sec. 4.04 - Ordinances (Non-emergency) -- ammendment identify as 3A -- (D. Dobrick moved with J. Gilbert seconding -- motion was passed by unanimous vote. (Sec. note - please attach memorandum Herbst & Thue, Ltd. dated April 3, 1986 - re: Charter Amendments Proposed by Hastings City Attorney.

D. Dobrick -- should their be a special meeting to organize publicity campaign? No action was taken.

J. Gilbert moved to for adjournment and J. J. Johnson.



Janice J. Johnson, Sec.

CHARTER COMMISSION MINUTES

May 8, 1986

Present: D. Dobrick, J. McGree, W. Hartman, E. Beltz and J. Johnson

Absent: C. Caturia, J. Gilbert, M. Hovgaard

Public: D. Welch

The meeting was called to order by W. Hartman at 7:40 in the City Hall Council Chambers.

The Charter Commission reviewed the 'housekeeping' items. D. Dobrick found ten items to be changed and called A. Herbst regarding this matter.

Items found:

Page 2 -- First paragraph line 15 addition of work filing fer such
line 16 elimination of repeated words
filing for such

Second paragraph line 2 missepelling of streets

Page 4 -- Sec. 3.01 line 13 addition of the word her

Page 5 -- Sec. 3.03 line 2 addition of word A
line 3 elimination of s in Councilpersons
line 10 and 11 addition of the word his

Page 8 -- Sec. 4.01 line 2 change Tuesday to Saturday

Special Council meetings -- advance underlined

Page 9 City Attorney -- add s to Chairperson line 5

Page 7 -- Sec. 3.08 line 2 add councilpersons after mayor
line 3 period after MN Statutes --elimination of
wording in such case made and provided.
Sec. 3.07 line 3 addition of word her.

Sec. 3.08 line 7 addition of words or councilperson's,

E. Beltz moved with D. Dobrick seconding the approval of the changes of the housekeeping items to be submitted to the City Clerk. The vote was unanimous.

D. Dobrick talked with A. Herbst regarding the Ballot of the Charter Ammendments. D. Dobrick presented for discussion the ballot.

Charter Ammendment 1 Shall Charter Ammendment No. 1 be adopted, relating to the changing of 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?

Charter Amendment 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), 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?

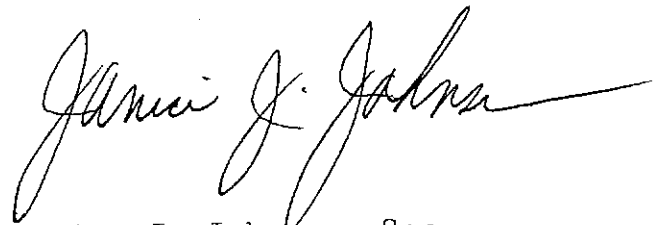
Charter Amendment 3 Shall Charter Amendment No. 3 be adopted, providing that the City Administrator shall be the chief administrative officer of the City and in charge of day to day activities, and describing the specific powers and duties of the City Administrator?

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

Charter Amendment 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 Council persons present would allow for the immediate consideration of an item?

D. Dobrick moved with E. Beltz ^{/seconding} to accept the ballot changes to be submitted to the City Clerk. Motion was passed by unanimous vote.

There being no further business J. Johnson moved for adjournment with E. Beltz seconding. Motion passed and carried.



Janice J. Johnson, Sec.

MINUTES OF HASTINGS PLANNING COMMISSION

Monday, May 12, 1986

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

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

Members Absent: None

Staff Present: Planning Director Harmening

Upon review of the April 28, 1986 Planning Commission minutes it was noted that on page 3, the 5th paragraph, that Louise Featherstone was not represented at the meeting but was instead represented by the son of Louise Featherstone. After discussion a motion was made by Commissioner Folch, seconded by Commissioner Voelker, to approve the April 28, 1986 minutes as corrected. Voice vote carried unanimously.

APPROVAL OF MINUTES

Chairman Simacek opened the public hearing at 7:32 p.m. The Planning Director briefly reviewed the proposal being made and history related to the proposal. In this case the Planning Commission previously reviewed a request by Mr. Shandley for approval of a five acre conveyance of property which is located on the north side of the Vermillion River located east of the 4th St. bridge. A concern which was raised regarding this proposal related to access problems to the proposed parcel of property and building site. In this case the east 4th Street bridge and part of 4th St. further to the east experiences flooding during high water levels in the spring and, during the spring of 1986 for example, was essentially impassable with normal vehicles and cut off from the rest of the city. Currently, several families live east of the 4th St. bridge. The City's flood plain ordinance states that "all subdivisions shall have water and sewage disposal facilities that comply with the provisions of this ordinance and shall have road access to both the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation"(this is the one hundred year flood elevation). An obvious reason for this requirement is to ensure that proper accessibility is available to the property owners themselves as well as accessibility for emergency vehicles and other services. The Planning Director pointed out that in this situation the RFPE (100 year flood) is at elevation 694. The elevation of the 4th St. bridge after the proposed reconstruction will be at elevation 687.5 which is an elevation related to a 10 year flood frequency. The Planning Director noted that even with the proposed replacement of the East 4th St. bridge road access elevations on the bridge would still appear to be approximately 4.5 feet below that permitted by the flood plain ordinance. Based on the flood plain regulations pertaining to accessibility the Planning Director noted that the Planning Commission did not approve the requested 5 acre split but tabled action on the matter. The Planning Director informed the Planning Commission that Mr. Shandley is now requesting a variance

PUBLIC HEARING-
VARIANCE TO HASTING
FLOOD PLAIN CODE-
RON SHANDLEY

to Section 6.1 of the Citys Flood Plain Regulations pertaining to the two foot limit on water depth over access roads during a 100 year flooding event. Pursuant to Section 8.41 of the Citys Flood Plain regulations the Planning Director informed the Planning Commission that the Department of Natural Resources was sent a copy of Mr. Shandleys application for the proposed variance. The Planning Director noted that the DNR had responded by letter to the variance proposal. In this case the DNR recommended denial of the proposed variance for several reasons which were outlined in the letter which was available for the Public Hearing and reviewed by the Planning Commission.

The Planning Director briefly reviewed with the Planning Commission the requirements for the granting of variances to the Citys flood plain regulations. The Planning Director reviewed with the Planning Commission the memo which the Planning Director had prepared regarding the proposed variance request. The Planning Director informed the Planning Commission that a recommendation had been made for denial of the variance request based on a number of reasons which were outlined in the aforementioned memo dated May 9, 1986 .

Comments which were received from the audience included:

- A. Ron Shandley - Mr. Shandley provided a general review of the proposal being made and the request for the variance. Mr. Shandley also noted that approving the variance and subsequently allowing him to build his proposed home would not in his opinion create any additional problems or expense for the city. Mr. Shandley also noted that it was felt that the city had not experienced any problems or additional expense for the homes which already exist east of the 4th St. bridge.
- B. Peter Likes, 3000 East 4th St. - Mr. Likes provided general information on the Shandley proposal. Mr. Likes noted that he felt maybe five more homes could be built east of the 4th Street bridge.
- C. Councilmember Plan - Pointed out two possible instances where homes may have been built after 1980 along east 1st Street which may not have road access in accordance with the citys flood plain regulations. Councilmember Plan felt that an occurence such as this may set a precedence in support of the Shandley proposal.

There being no further comments from the audience the Chairman closed the public hearing at 8:10 p.m.

Considerable discussion took place by the Planning Commission on this matter. Commissioner Ditty presented several points in support of the proposed variance. After discussion, a motion was made by Commissioner Anderson, seconded by Commissioner Folch, to recommend to the City Council, acting as the Board of Adjustment and Appeals, the denial of the variance for the following reasons:

- A. The applicant has not demonstrated that special conditions exist where a literal enforcement of the provisions of the flood plain ordinance would result in an unnecessary hardship.
- B. That granting a variance will permit a significantly lower degree of flood protection. Vehicular ingress and egress would not be available during a 100 year flooding event and for that matter a flood in excess of a ten year flooding event. (assuming the proposed bridge is constructed).
- C. That granting of the variance will not be consistent with Minnesota State Law (shoreland and flood plain management rules) pertaining, for example, to the subdivision of property, the granting of variances, etc.
- D. That the granting of the variance will be contrary to the public interest. Essential services (police, fire, ambulance, public works) of the city will not be able to serve the subject property during a 100 year flooding event or, for that matter, a flooding event in excess of a 10 year flood (assuming the proposed bridge is constructed) nor will the property owner have conventional ingress and egress to the subject property.
- E. Granting of the variance would be inconsistent with the Comprehensive Plan of the City of Hastings. As an example, the comprehensive plan states that residential areas should be "safe from hazards-including excessive traffic, flooding, and contamination".
- F. Granting of the variance would be inconsistent with the purpose of the City of Hastings Flood Plain Ordinance. Purpose of the flood plain ordinance is to promote the public health, safety, and general welfare and to minimize losses.
- G. Pursuant to a letter dated May 7, 1986, granting of the variance would be inconsistent with the recommendation made on this matter by the Minnesota Department of Natural Resources.

Upon vote taken, Ayes, Commissioner Stevens, Dredge, Folch, Kaiser, Anderson; Naves, Commissioner Ditty, Simacek, Conzemius, and Voelker. The motion for denial of the variance was declared approved.

Chairman Simacek opened the public hearing at 8:15 p.m. The Planning Director briefly reviewed the proposal being made. In this case the applicant is requesting a rezoning from P-I and Ag to R-2 and preliminary plat approval for a residential development encompassing approximately 4 acres and generating 10 single family lots. The Planning Director noted that the platting action proposed partially constitutes a replat of a large lot in an existing plat known as lot 1, block 1, Valley West 1st Addition. It was further noted that lot 1, block 1, Valley West 1st Addition is that part of the proposed plat which is zoned P-I. The Planning Director further reviewed with the Planning Commission matters pertaining to the proposed development density, comprehensive plan criteria, park land dedication requirements, interceptor sewer charges, etc. It was noted that the developer proposes to install the sewer/water/street improvements privately.

PUBLIC HEARING-
REZONING FROM AG &
P-I TO R-2 AND
PRELIMINARY PLAT-
VALLEY WEST 2ND
ADDITION-CONZEMIUS
BROTHERS

The Planning Director informed the Planning Commission that the major item of contention regarding the proposed plat relates to the design of the cul de sac. In this case the developers are proposing to place an island in the center of the cul de sac. The Planning Director informed the Planning Commission that the city's engineering department and streets department recommended the elimination of the island in the cul de sac due to potential problems for maintenance. The Planning Commission was also informed that the Fire Department desired further study of the proposed island in relation to accessibility for emergency vehicles. The following comments were received from the audience:

Bob Conzemius - Mr. Conzemius generally reviewed with the Planning Commission the proposed development. Mr. Conzemius indicated that they were interested in providing a quality development. Mr. Conzemius further noted that the proposed tear drop island in the cul de sac had many positive attributes and was used in other cities. To substantiate his comments Mr. Conzemius provided for the Planning Commission photos of islands within cul de sacs in Burnsville and also provided a comparative photo of cul de sacs within the City of Hastings.

John Dwyer, Surveyor for the developer - Mr. Dwyer presented to the Planning Commission for its review a letter from an engineer which discussed matters pertaining to cul de sacs, the maintenance of cul de sacs, and accessibility for emergency vehicles. Mr. Dwyer requested that the Planning Director provide the Planning Commission with copies of the letter from the engineer. It was further requested that the Planning Commission consider tabling action on this matter such that they may have additional time to consider the proposal being made.

The Planning Commission discussed matters pertaining to the proposed island in the cul de sac. The Planning Commission asked that the Planning Director request the City Engineer attend the next Planning Commission meeting such that matters may be discussed pertaining to the island within the cul de sac. After further discussion a motion was made by Commissioner Stevens, seconded by Commissioner Voelker, to table action on this matter and continue the public hearing until the next meeting of the Planning Commission such that the NRRC can meet to discuss the related park land matters. Also, it was requested that the developer provide a preliminary street profile for the development. It was also felt that tabling action on this matter would allow further study of the proposed island within the cul de sac. Upon vote taken, Ayes, 8; Nays, 0; Commissioner Conzemius abstained.

The Planning Director informed the Planning Commission that pursuant to the development agreement associated with the Riverwood development and also pursuant to Section 10.24 of the Hastings City Code Mr. Freirmuth is requesting site plan approval for the construction of a 4 plex on lot 1, block 3 Riverwood Addition (3085 Riverwood Drive). The present zoning for this site is R-3 under a PRD concept. At the time the PRD and Plat was approved a 4 plex was proposed for the lot in question.

SITE PLAN REVIEW-
4 PLEX AT LOT 1,
BLOCK 3 RIVERWOOD
ADDITION-COLUMBUS
FREIERMUTH

The Planning Director discussed with the Planning Commission matters pertaining to the grading plan, flood plain elevations, landscaping plan, etc. The Planning Director also informed the Planning Commission that the original site plan for the 4 plex illustrated that the drainage and utility easement on the north side lot line of the property was infringed upon by a garage structure and that a rear drainage and utility easement was infringed upon by a detached garage structure. The Planning Director stated that this infringement was not permitted. The Planning Director also informed the Planning Commission that Mr. Freiermuth had provided a revised site plan which removed the structures from the easement areas.

The Planning Commission reviewed the site and building plans for the proposed 4 plex.

After discussion a motion was made by Commissioner Stevens, seconded by Commissioner Ditty, to recommend approval of the proposed site plan subject to the following conditions:

- A. That the applicant submit a landscaping plan to the City of Hastings prior to occupancy of the units.
- B. That the property drain pursuant to the original grading plan for the lot. In this case the front of the lot should drain towards the street. The rear of the lot should drain northeasterly towards the adjacent drainage ditch. The applicant should insure that the driveway area on the south side of the lot does not drain onto the adjacent lot (lot 2, block 3).
- C. That the applicant comply with flood plain regulations, as applicable, for the area in question regarding the elevation of the structure.

Upon vote taken, Ayes, 9; Nays, 0.

A motion was made by Commissioner Kaiser, seconded by Commissioner Folch, to table action on the Highland Hills 3rd Addition Plat and continue the public hearing until the next meeting of the Planning Commission. Upon vote taken, Ayes, 9; Nays, 0.

PUBLIC HEARING-
HIGHLAND HILLS 3RD
ADDITION-TABLE UNTI
NEXT PLANNING
COMMISSION MEETING

Planning Director discussed with the Planning Commission the potential zoning designation for the recently annexed Malcolm Avenue properties. It was noted that an R-2 zone may be appropriate. The Chairman requested that the Planning Commission consider a potential zoning designation for the Malcolm Avenue properties. No further action was taken on this matter.

PROPOSED ZONING-
MALCOLM AVENUE

A motion was made by Commissioner Voelker, seconded by Commissioner Kaiser, to set the next regular meeting of the Planning Commission for May 27, 1986 at 7:30 p.m. due to Memorial Day falling on the regular meeting date of the Planning Commission. Upon vote taken, Ayes, 9; Nays, 0.

SET MEETING DATE FC
NEXT PLANNING
COMMISSION MEETING

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

OTHER BUSINESS

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

ADJOURNMENT

MINUTES OF
NATURAL RESOURCES AND RECREATION COMMISSION
Special Meeting
Tuesday, May 13, 1986

Members Present: P.Hicks, J. Larson, D.McNamara, J.Warner, B.Marsh
Members Absent: G.Odman, T.Lewanski

The NRRC visited Lake Isabel and the Southwest Ponding Basin. Also along on the tour were Gene Hollenstein and Joan Galli of the Minnesota DNR, Mayor Stoffel, Councilman Bond, Councilman Nesbitt, and Jim Seleskie of the Lake Isabel Restoration Commission.

Lake Isabel: Jim Seleskie gave a brief history of the lake. Then there was a discussion on the future plans for the lake.

Southwest Ponding Basin: Joan Galli of the DNR Wildlife Division described a few improvements necessary to create a better natural wildlife area at the ponding basin. One of the basic needs that is currently missing is more shelter for the wildlife.

1. After the tour ended, Jim Seleskie gave a slide presentation on Lake Isabel. Gene Hollenstein of the DNR presented some background information on this type of project and discussed some different action plans that are available. Mr.Hollenstein stated that the Federal government would probably fund 70% of the project, but the project would not even be considered for funding until at least fiscal year 1988. Discussion ensued. The following motion was moved by D.McNamara and seconded by J.Warner.

"The NRRC supports submitting an application, in accordance with DNR guidelines, to the Army Corps of Engineers for the Lake Isabel Restoration Project."

The motion was approved.(5-0)

2. The Southwest Ponding Basin as a natural wildlife area was discussed. It was noted that all the opinions expressed to date by residents of the surrounding area have been in favor of the wildlife area. The following motion was moved by D.McNamara and seconded by J.Warner.

"The NRRC supports the development of the Southwest Ponding Basin as a natural wildlife area. We should attempt to improve this nature area by reducing the maintenance program in the area and thereby letting the grasses and plants grow. This will increase the amount of shelter for the birds and animals. Also, neighborhood opinion should be welcomed and monitored for input in the project."
The motion approved.(5-0)

3. The Commission considered the Valley View 2nd Addition in regards to park dedication. Discussion ensued.

The following motion was moved by J.Larson and seconded by J.Warner.

"To accept \$1,381.20 in lieu of park land for the Valley View 2nd Addition."

The motion was approved.(5-0)

P.Hicks motioned and was seconded to adjourn the meeting at 8:40pm.
The motion was approved.

Respectfully submitted,

Bruce Marsh

Bruce Marsh
Secretary

MINUTES OF CITY COUNCIL PLANNING COMMITTEE
Wednesday, May 14, 1986
6:30 p.m. Council Chambers

Members Present: Chairman Fred Trautman, Councilmember Tom Berg, Councilmember Bob Kulzer, Councilmember Richard Bond, Councilmember Tom Nesbitt

Rivertown Days Committee Present: Dan Rother, Mary Hoffman, Dennis McNamara

Staff Present: Sgt. Wasylik, M. McNamara

The Planning Committee listed four major concerns that they had with Rivertown Days moving to the riverfront area:

1. Parking problems
2. Carnival
3. Emergency vehicle access
4. Beer sales

1. Parking - Rivertown Days Committee will use Lake Rebecca lots, Jaycee Park, and one side of the Dam Road for parking with the approval of Chief Plath. The Committee will provide overflow parking in other areas of the City and these lots will be marked and publicized. The Committee will mark or post areas where there will be no parking and will work with the Police and City Staff to accomplish this. There will be no charge for parking, but people will be required to have a button to gain entrance. Any citizen that says they are going swimming, fishing, etc. will be allowed access to the park free of charge and the Committee will try and provide parking for them. The railroad spur behind Hudson will possibly be used for shuttle buses and emergency vehicles.
2. Carnival - Planning Committee asked the Rivertown Days Committee to consider other areas besides Rebecca. If the Rebecca site is selected, the carnival will use portable generators for electricity. There will be no cords strung from the change house across the parking lot to the site. The carnival will be shutdown by 10:00 p.m. D. McNamara suggested that the carnival rent their own portable toilets and not use the change house facility.
3. Emergency vehicle access - Rivertown Days Committee will provide access for emergency vehicles. If possible, a first aid area will be provided. As mentioned earlier, the railroad spur could be used for emergency vehicles. Police reserves will be on site to assist with any problems.
4. Beer Sales - Will be the sole responsibility of the Chamber. No other group or organization will be permitted to sell beer without Council approval. Sales will be at Jaycee Park in a fenced-in area. No beer or alcoholic beverages will be allowed in Lake Rebecca.

With these changes or understandings the Committee unanimously approved Rivertown Days to move the event from Roadside Park to the Lake Rebecca, Jaycee Park area.

Other Discussions:

The Planning Committee wants Rivertown Days to be a self supporting event, with less City involvement.

Minutes of City Council Planning Committee
Page 2

Demolition Derby - Cars will be removed as soon as possible from the site.

Rivertown Days Committee and Staff will also meet with the Lake Rebecca Task Force to inform them of the events.

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VIA 1

MEMO

Date: May 15, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Third Reading - Ordinance amending Section 6.09 - vacation of streets, etc. - changing publication requirements for notice of hearings on vacation requests.

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

jt

ORDINANCE NO. _____-86, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 6.09 SUBDIVISION 3 OF THE HASTINGS CITY CODE BY ESTABLISHING PUBLICATION REQUIREMENTS FOR PUBLIC HEARING NOTICES PERTAINING TO PROPOSED VACATIONS OF PUBLIC STREETS ALLEYS OR EASEMENTS.

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

Section 6.09, Subdivision 3 of the Hastings City Code is hereby amended to read as follows:

Subd. 3. The City Clerk shall give notice of such hearing by publication once at least ten (10) days in advance of such hearing , and by mail to the last known address of all of the owners of property on the line of such public grounds or streets proposed to be vacated at least ten days in advance of such hearing, such last known addresses to be obtained from the office of the County Auditor. Such notice shall in brief state the object of such hearing, the time, place and purpose thereof, and the fact that the Council, Board, Commission or person designated by them shall hear the testimony and examine the evidence of the parties interested.

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

VIA 2

MEMO

Date: May 15, 1986

To: Mayor and City Council

From: Tom Harmening, City Planner

Re: Request for Variance to City of Hastings Flood Plain Regulations-
Ron Shandley

Recently, the Planning Commission reviewed a request by Ron Shandley for approval of a conveyance of a five acre parcel of property which is located on the north side of the Vermillion River located east of the Fourth Street bridge for the purpose of building a single family home (see attached map).

As the City Council knows, the east 4th St. bridge and part of 4th St. further to the east experiences flooding during high water levels in the spring and, during this year for example, was impassable with normal vehicles and was essentially cut off from the rest of the city. Currently, according to the applicant, four families live east of the 4th Street bridge.

The City's Flood Plain Ordinance states that "all subdivisions shall have water and sewage disposal facilities that comply with the provisions of this ordinance and shall have road access to both the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation" (this is the 100 year flood elevation). One obvious reason for this requirement is to insure that proper accessibility is available to the property owners themselves as well as accessibility for emergency vehicles and other public services. In this situation the R.F.P.E. (100 year flood) is at elevation 694. The elevation of the 4th St. bridge after the proposed reconstruction will be at elevation 687.5 which is an elevation related to a 10 year flood frequency (presently the bridge deck is approximately at elevation 685). Therefore, even with the proposed replacement of the east 4th St. bridge, road access elevations on the bridge would still appear to be approximately 4.5 feet below that permitted by the flood plain ordinance. Due to the aforementioned flood plain regulation requirements the Planning Commission did not approve the requested five acre split but tabled action on the matter.

Mr. Shandley is now requesting a variance to Section 6.1 of the City's Flood Plain Regulations pertaining to the two foot limit on water depth over access roads during 100 year flooding events (Mr. Shandley's variance request application is attached). In Mr. Shandley's application, Shandley essentially points out, among other things, that the variance should be granted due to the following reasons:

- A. The flood plain regulations pertaining to road access to subdivisions was made to regulate the influx of a mass subdivision and development in the flood plain area which would create future problems for the City.
- B. That the proposed five acre parcel and adjacent property is owned by Mr. Shandley's future family and that the intent of the property is to be used by the family for their own residential purposes and is not

intended to be developed to any larger degree than now proposed.

- C. That no cost would be incurred by the City of Hastings if the variance and subdivision proposals are approved but rather the city's tax base will be improved.
- D. Other items pertaining to easement locations, etc.

Pursuant to Section 8.34 of the City's Flood Plain Regulations variances may be granted from the terms of the ordinance if it is not contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in an unnecessary hardship and also that the spirit of the ordinance is observed and substantial justice done. In addition, no variance should be granted which will have the effect of allowing in any district uses not permitted in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law (see attached variance criteria).

Pursuant to Section 8.41 of the City's Flood Plain Regulations the Department of Natural Resources has received a copy of Mr. Shandleys application for the proposed variance. Attached is a letter which has been received from the DNR. The DNRs position and recommendation is for denial of the proposed variance for the following reasons:

- A. Approval of the variance would be contrary to the public interest.
- B. The granting of the variance will permit a lower degree of flood protection than the RFPE.
- C. Denial of the variance would not impose an undue hardship.
- D. Denial of the variance would maintain the current level of standards imposed by Federal and State law.
- E. The granting of the variance would possibly set a precedence which would present problems for the city in denying future development in the subject area.

Comprehensive Plan Criteria:

The Comp plan in its land use planning element has identified the general area and property in question as a low density/rural area. The zoning ordinance is consistent with the Comp plan. In general terms the Comprehensive Plan states that residential areas should be, among other things, "safe from hazards-including excessive traffic, flooding, and contamination".

General Comments - One primary purpose of flood plain regulations, zoning ordinances, comprehensive plans, etc., is to promote and protect the public health, safety, and welfare of the present and future constituents of the City of Hastings. Proper planning and administration of these documents should allow the city to achieve its goals towards allowing Hastings to be safe and pleasant place to live and work.

Presently there exists several families which live east of the 4th Street bridge which, during certain periods of flooding events, are essentially cut off from the city and are unable to enjoy and be protected by the public services which the city provides. In addition, their ability to come and go is severely limited. It would appear that continued development in the area in question could perpetuate and enlarge the concerns and problems which the city and property owners themselves may experience during severe flooding events. In addition, the granting of the variance may set a precedence such that it may be difficult to deny future requests, if any, for development east of the 4th St. bridge.

It should be noted that the applicant is not the current owner of the five acre subject property but rather the property is owned by Peter Mitzik (as per the application form).

Recommendation:

After considerable discussion the Planning Commission recommended (on a 5-4 vote; see minutes of Planning Commission) denial of the variance request for the following reasons:

- A. The applicant has not demonstrated that special conditions exist where a literal enforcement of the provisions of the flood plain ordinance will result in an unnecessary hardship.
- B. That granting a variance will permit a significantly lower degree of flood protection. Vehicular ingress and egress would not be available during a 100 year flooding event and for that matter a flood in excess of a 10 year flooding event (assuming the proposed bridge is constructed).
- C. That granting of the variance will not be consistent with Minnesota State Law (shoreland and flood plain management rules) pertaining, for example, to the subdivision of property, the granting of variances, etc.
- D. That the granting of the variance will be contrary to the public interest. Essential services (police, fire, ambulance, public works,) of the City will not be able to serve the subject property during a 100 year flooding event or, for that matter a flooding event in excess of a 10 year flood (assuming the proposed bridge is constructed) nor will the property owner have conventional ingress and egress to the subject property.
- E. Granting of the variance would not be entirely consistent with the Comprehensive Plan of the City of Hastings based on the following: the Comp Plan states that residential areas should be "safe from hazards-including excessive traffic, flooding, and contamination".

- F. Granting of the variance would be inconsistent with the purpose of the City of Hastings Flood Plain Ordinance. The purpose of the flood plain ordinance is to promote the public health, safety, and general welfare and to minimize losses.
- G. Pursuant to a letter dated 5/7/86, granting of the variance would be inconsistent with the recommendation made on this matter by the Minnesota Department of Natural Resources.

****PLEASE REVIEW THE RECORD OF THE COMMENTS RECEIVED DURING THE PLANNING COMMISSIONS PUBLIC HEARING ON THIS MATTER WHICH ARE INCLUDED IN THE MINUTES CONTAINED IN THE FRONT OF THE AGENDA FOLDER.**

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STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO. 296-7523

1200 Warner Road, St. Paul, MN 55106

FILE NO. _____

May 7, 1986

City of Hastings
Mr. Tom Harmening, Planner
100 Sibley Street
Hastings, MN 55033

RE: R. SHANDLEY VARIANCE REQUEST

Dear Mr. Harmening:

I have reviewed the materials and application for variance in the above referenced matter. I would appreciate it if you would make this a part of the record at the hearing on May 12th.

The criteria for granting a variance are specified in the City's floodplain ordinance. A variance must not be contrary to the public interest. Moreover, strict enforcement of the ordinance would result in an unnecessary hardship. A variance may not allow a prohibited use in the district, permit a lower degree of flood protection than the regulatory flood protection elevation (RFPE) or permit standards lower than those required by State law.

In this instance, several of these criteria are applicable. First, approval of the variance would be contrary to the public interest, since it will result in the improvement of property that is inaccessible to emergency vehicles during a 10 year flood or worse. Secondly, granting the variance would permit a lower degree of flood protection than the RFPE. No other new development is allowed to build where ingress/egress is more than 2 feet below the RFPE.

While I realize that there are existing homes with the same access problems, their existence does not somehow mean that somebody else can build there too. Furthermore, suppose Mr. Shandley were given permission to build on 5 acres. What possible chance would the City have to prevent seven other parcels to be developed from his 40 acre tract, having already granted one variance? Thus you want to avoid establishing a precedent or allowing a variance that renders the whole purpose of the ordinance meaningless.

It is unfortunate that Mr. Shandley is faced with this problem, however, I believe it can be shown that the proposed development is unreasonable. Denial of the variance does not impose an unnecessary hardship since there are alternative uses of the property which Mr. Shandley has available to him. Denial of the variance would maintain the current level of standards imposed by Federal and State law and is therefore recommended.

I appreciate the opportunity to provide these comments. Should you or Mr. Shandley have any questions, please feel free to call me at your convenience.

Yours truly,

Mike Mueller, Area Hydrologist
Metro Region Division of Waters
AN EQUAL OPPORTUNITY EMPLOYER

Received 5/9/86

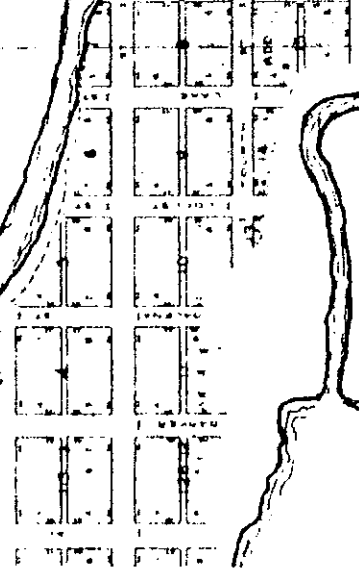
SUBJECT PROPERTY



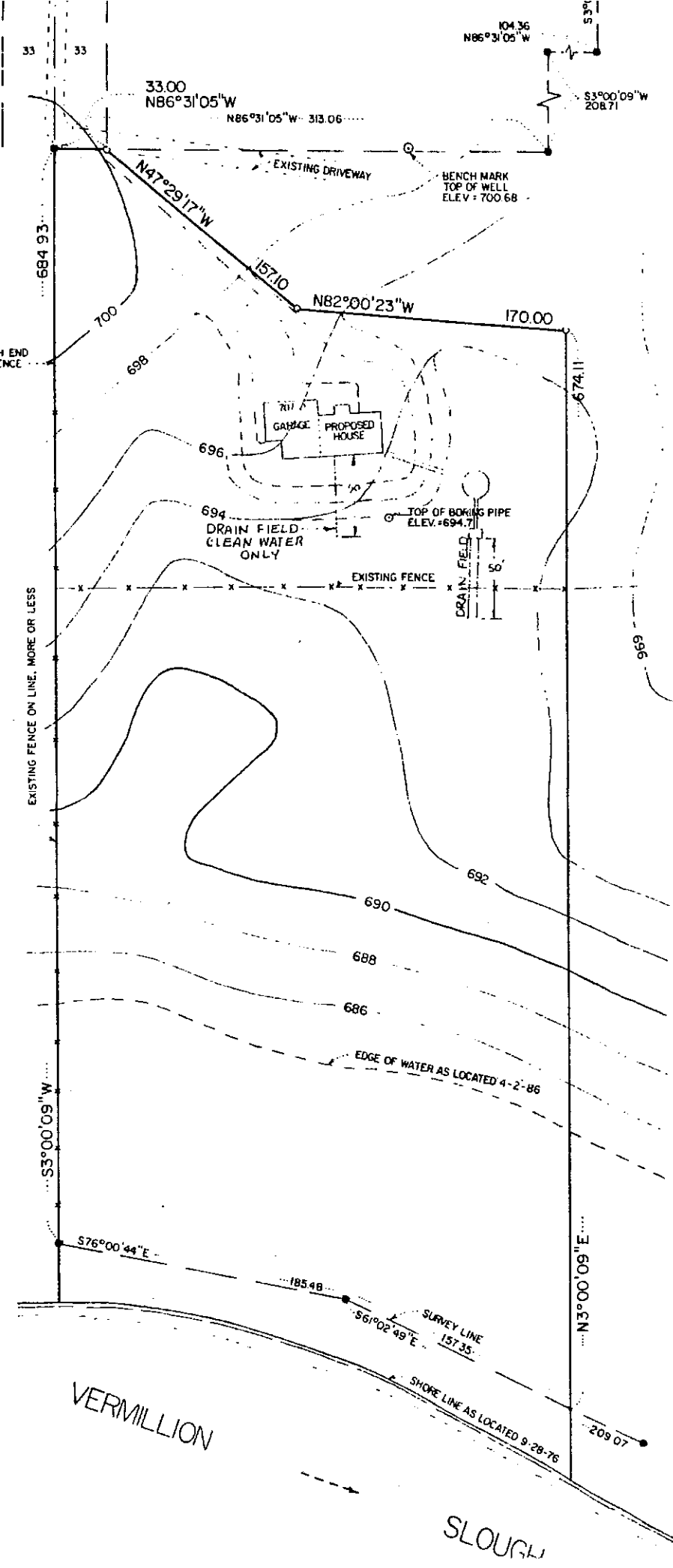
East 4th Street Bridge



AUDITORS
SUB NO 28



(MAY 1900)



VERMILLION

SLOUGH

33 33

104.36
N86°31'05"W

539'

S31°00'09"W
208.71

33.00
N86°31'05"W

N86°31'05"W 313.06

BENCH MARK
TOP OF WELL
ELEV. = 700.68

684.93

700

NORTH END
OF FENCE

698

157.10

N82°00'23"W

170.00

674.11

GARAGE
PROPOSED HOUSE

694
DRAIN FIELD
CLEAN WATER
ONLY

TOP OF BORING PIPE
ELEV. = 694.71

EXISTING FENCE

DRAIN FIELD

EXISTING FENCE ON LINE, MORE OR LESS

696

692

690

688

686

EDGE OF WATER AS LOCATED 4-2-86

S33°00'09"W

S76°00'44"E

185.48

SURVEY LINE
157.35
S61°02'49"E

N3°00'09"E

SHORE LINE AS LOCATED 9-28-76

209.07

- 8.3 Board of Adjustment and Appeals. The Board of Adjustment and Appeals existing pursuant to Section 2.04 City Code, shall serve as the Board of Adjustment and Appeals in the enforcement of this Ordinance. Rules, regulations and procedures including voting requirements governing the Board of Appeals shall apply to enforcement of this flood plain ordinance. The City Council of the City Hastings shall act as said Board until such time as the Council shall create another Board to serve as Board of Adjustment and Appeals. Upon the creation of such additional board, the Council shall specify the rules and procedures applicable thereto. So long as the City Council is acting as the Board of Adjustment and Appeals, it shall follow its regular procedures, when sitting as a Board of Adjustment and Appeals.
- 8.31 Rules. The Board of Adjustment and Appeals when established as a separate body, shall adopt rules for the conduct of business pursuant to the rules and procedures specified by the Council and may exercise all of the powers conferred on such boards by State Law.
- 8.32 Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Administrator in the enforcement or administration of this Ordinance.
- 8.33 Special Uses. It shall hear and decide applications for special use permits upon which the Board is authorized to pass under this Ordinance.
- 8.34 Variances. It may authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by State Law. The same voting requirements applicable to variances under other sections of the City Zoning Ordinance apply.

(2) There shall be no disposal of garbage or solid waste materials within flood plain areas except upon issuance of a Special Use Permit for sites approved by the Minnesota Pollution Control Agency and a Solid Waste Disposal License is issued from Dakota County. Compliance with this provision shall be subject to the appropriate State regulations, County ordinances and Section 4.35.

5.26 Flood Control Works. Flood control works shall be subject to the provisions of Section 4.36 and the following provisions:

(1) The minimum height and design of any dikes, levees flood walls, or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:

(a) For urban areas, the minimum height and design of structural works shall be at least three feet above the elevation of the regional flood as confined by structures, or at the elevation of the standard project flood, whichever is greater.

(b) Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health or safety shall be modified or reconstructed in order to meet the standards contained herein within a period of five years of the effective date of this Ordinance.

(2) Flood protection elevations and floodway limits which reflect proposed measures for flood control shall not be effective until such measures are constructed and operative unless the proposed measures will increase flood heights, in which event, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.

Section 6.0 SUBDIVISIONS

6.1 No land shall be subdivided which is held unsuitable by the City Council of the City of Hastings for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation which meets the standards contained in Section 5.12 of this ordinance. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this ordinance and have road access to both the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.

LAND USE APPLICATION

CITY OF HASTINGS

Address of Property Involved 3050 E 4th ST

Legal Description of Property Involved THAT PART OF Lot 5, SECTION 26 Township 115N RANGE 17W DAKOTA MINN - CONTAINING 5.1 ACRES

Applicant:
Name Ronald Shandley
Address 1201 50th Landmark Tr
Kopkins MN 55342
Telephone 935-0147

Official Use Only	
Date Rec'd	<u>4/30/84</u>
Case No. #	<u>612</u>
Fee Paid	<u>\$30.00</u>
Rec'd by	<u>T.H.</u>

Owner: (If different from Applicant)
Name: PETER METZIK
Address: 1016 E 1st St Hastings
Telephone: 437-4455

Request:

Zone: _____ Special Use: _____
Site Plan Review _____ Subdivision: _____
Variance: Other: _____

Present Zone: Ag

Applicable Ordinance No. _____ Section: _____

Description of Request REQUEST FOR VARIANCE TO
BUILD SINGLE FAMILY HOME ON 5.1 ACRES
AS DESCRIBED ON ATTACHMENT SURVEY.
SEE ATTACHED REQUEST

Planning Commission	Approved	Denied	Date

R Shandley
Signature of Applicant

(1)

This land is located in Flood Plain Area But is on high ground as indicated on Topography Survey (Attached). Also the location of land in question is located on NIS DEPT OF INTERIOR GEOLOGICAL SURVEY MAP ATTACHED.

The Elevation of 100 yr Flood Level is 693 FT - NOTE - House lowest height is 694 FT as indicated on Boundary + Topo. Survey.

The septic system is designed to meet City + County Regulation - NOTE: (Boundary + Topo map)

The Access Road heading said property for approx one + one tenth mile is above the 693 FT Flood Plain by approx six to ten ft. Then drops to below 693 level for approx two blocks across the 4th St Bridge (Elev 685.34). This bridge is proposed to be elevated to 687.50 FT which is 10 yr Flood Height. Also there is discussion of raising the road (two blocks approx) on the east side of bridge at same time bridge is built. There is a permanent easement dated 24th day of June - 1982 allowing passage over lots 32 + 33 + 34, Auditors subdivision No 28, Dakota County to be used if needed at time of high waters on road with location

(2)

NOTED ON USPT SURVEY MAP. THE
Avg Height OF THIS ROAD IS APPROX 698 FT.
WITH NO POINT BEING LOWER THEN 695 FT.
THIS PROPERTY WITH EASEMENT IS CURRENTLY OWNED
BY RYMOND FREITAG OF HASTINGS MINN.
THE ROAD WHICH EASEMENT IS ON, CURRENTLY
CONSISTS OF HARD SOIL & ROCK. IT IS BEING
MAINTAINED BY THE USERS OF ROAD.

I BELIEVE THAT HASTINGS ORDINANCE
CHAPTER 13, SECTION 6.0 PAGE 10 WAS ADOPTED
TO REGULATE THE INFLOW OF MASS SUBDIVISION
AND DEVELOPMENT WITHIN THE FLOOD PLAIN AREA
AND RESTRICT THIS FROM HAPPENING TO PROTECT
THE CITY FROM FUTURE PROBLEMS. IN THIS
CASE, THE PROPERTY IN QUESTION HAS BEEN IN
THE MITZIK FAMILY FOR OVER 60 YRS AND
HAS BEEN HELD FOR FAMILY USE IN YEARS TO
COME. ONE DAUGHTER (THE LIKES FAMILY) NOW
LIVES ON PROPERTY AND NOW THE SECOND
DAUGHTER, NANCY, DESIRES TO LIVE ON THE FAMILY
PROPERTY. CURRENTLY FOUR FAMILYS LIVE
EAST OF THE 4TH ST BRIDGE AND ALSO
THE GAS CO, ELECT CO, TELEPHONE CO, AND
CABLE COMPANY ARE USING THIS ROAD FOR
BUSINESS USE. BECAUSE OF THE FACT THAT THE
SUBJECT PROPERTY IS IN FACT ABOVE THE 693 FT
FLOOD LEVEL AND THAT IT HAS BEEN IN THE
FAMILY FOR OVER 60 YRS, WITH THE INTENT

(3)

OF USE IN THE FUTURE OF THE CHILDREN,
AND THAT THE ORDINANCE WAS ADOPTED IN
1981 BY THE CITY, AND THAT NO COST WOULD
BE INCURRED, BY THE CITY OF HASTINGS,
BECAUSE OF THIS HOME BEING LOCATED AT
SAID LOCATION AND LAST THE ADDITION
OF TAX BASE TO THE CITY, THAT A VARIANCE
SHOULD BE ISSUED FOR THE USE OF
BUILDING A HOME FOR RONALD SHANDLEY
AND THE FUTURE (NANCY SHANDLEY (NANCY
MITZIK).

Thank You

R. J. Shandley

Original Indenture,
between Raymond Freitag

Made this 27th day of June

19 82

of the County of Dakota and State of Minnesota
part Y of the first part, and Peter and Betty Mitzuk, husband and wife; Peter a
niana Likes, husband and wife; Robert and Judith Wittnebel, husband and
wife, and Nancy Mitzuk
of the County of Dakota and State of Minnesota
parties of the second part.

Witnesseth, That the said part Y of the first part, in consideration of the sum of
One Dollar (\$1.00) and other good and valuable consideration ~~DOLLARS~~,
to him in hand paid by the said parties of the second part, the receipt whereof is hereby
acknowledged, do hereby Grant, Bargain, Quitclaim, and Convey unto the said parties of the
second part, their heirs and assigns, Forever, all the tract or parcel of land lying and
being in the County of Dakota and State of Minnesota, described as follows, to-wit:

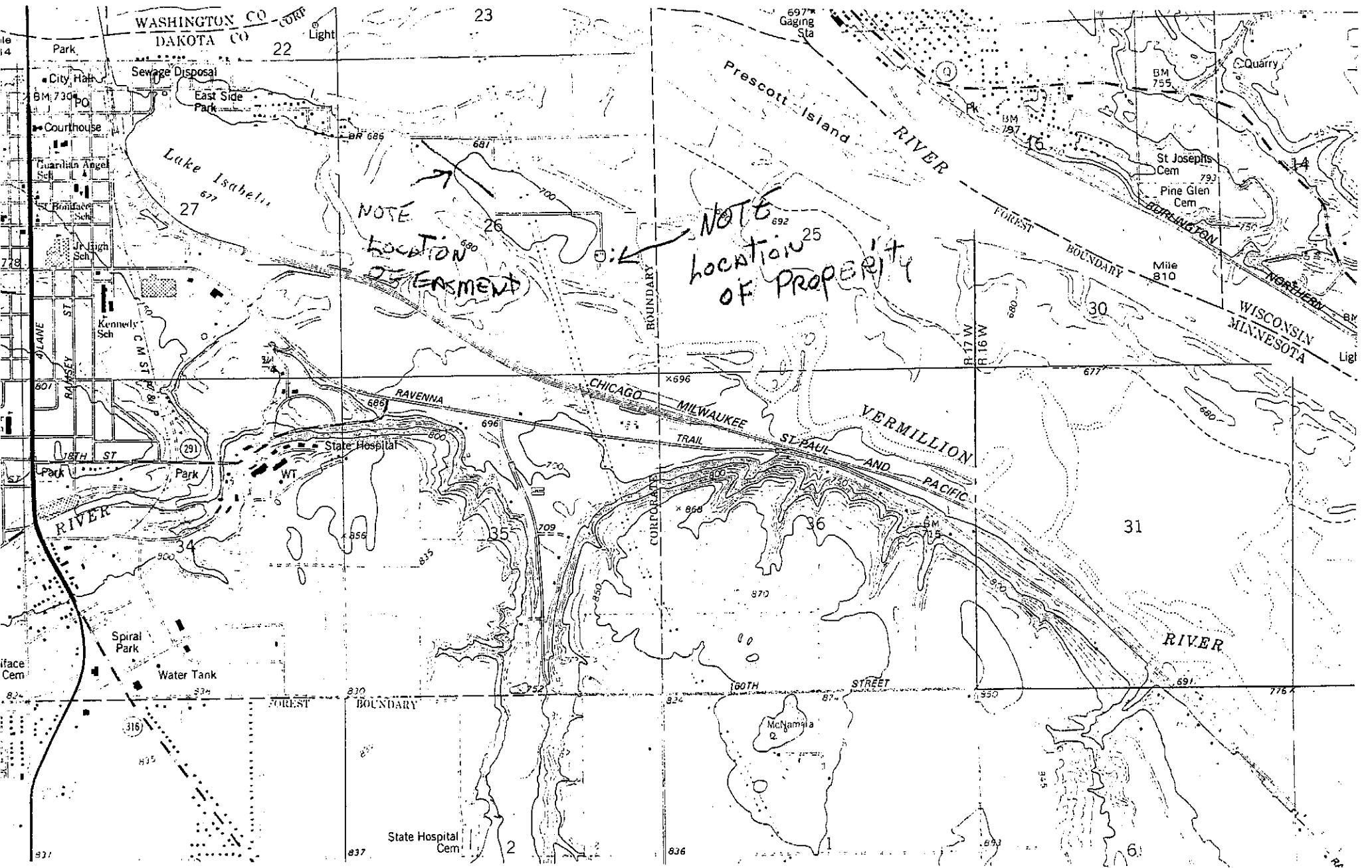
A permanent easement over and across the existing
dirt-grass cart path over and across Lots 32, 33
and 34, Auditor's Subdivision No. 28, Dakota County,
Minnesota.

State Deed Tax: \$2.20.

To Have and to Hold the Same, Together with all the hereditaments and appurtenances
hereunto belonging or in anywise appertaining, to the said parties of the second part, their
heirs and assigns, Forever.

In Testimony Whereof, The said party of the first part has hereunto set his
hand the day and year first above written.

Raymond Freitag



WASHINGTON CO
DAKOTA CO

Lake Isabel

Prescott Island RIVER

WISCONSIN
MINNESOTA

CHICAGO MILWAUKEE ST. PAUL AND PACIFIC RAILROAD

RIVER

NOTE
LOCATION
OF EASEMENT

NOTE
location
OF PROPERTY

State Hospital Cem

Molyamala Q

St Josephs Cem
Pine Glen Cem

Quarry

Sewage Disposal

East Side Park

City Hall

Courthouse

Guardian Angel Sch

Brilliance Sch

High Sch

Kennedy Sch

187th ST

Spiral Park

Water Tank

FOREST BOUNDARY

BOUNDARY

FOREST BOUNDARY

Light

Park

BM 730

BM 731

BM 732

BM 733

BM 734

BM 735

BM 736

BM 737

BM 738

BM 739

BM 740

BM 741

BM 742

BM 743

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State of Minnesota,

County of Dakota

} ss.

The foregoing instrument was acknowledged before me

this 24 day of June, 19 82,

by Raymond Freitag

(NAME OF PERSON ACKNOWLEDGED)



(SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT)

James P. O'Connell, Notary Public

Washington County, Minnesota
(TITLE OR RANK)

My Commission Expires: 2/5/86

THIS INSTRUMENT WAS DRAFTED BY

O'Connell, Thuet & Hopper

906 Vermillion Street
(Name)

Hastings, MN 55033
(Address)

PROJECT: Variance Request - Flood Plain Ord - Shandly

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire	✓		5/5/86	J. Rosenfeld	not approved due to inaccessibility
Water	✓		3/5/86	James E. ...	N/A
Building	✓		5/5/86	Merlin	N/A
Planning	✓		5/9/86	T. H.	Not approved as per memo
Engineering	✓		5/5/86	J. Rosenfeld	approved
Parks	✓		7/1/86	MARY McWAMERS	N/A

VIA3

MEMO

Date: May 15, 1986

To: Mayor and Council

From: Tom Harmening, City Planner

Re: Site Plan - Four Plex - 3085 Riverwood Drive or Lot 1, Block 3, Riverwood - Columbus Freiermuth

Pursuant to the development agreement associated with the property in question and also pursuant to Section 10.24 of the Hastings City Code, Mr. Freiermuth is requesting site plan approval for the construction of a four plex at the above stated address. Items of information on this matter are outlined below:

- A. Location of property - Located in the Riverwood Addition which is located on the southwest side of Hastings. The lot in question is approximately 500 feet south of the intersection of CSAH 47 and Riverwood Drive.
- B. Present Zoning: R-3 under a PRD concept; four plexes are permitted uses.
- C. Grading Plan: The original grading plan submitted for the lot is basically in line with the proposal now being made. Generally speaking the front of the lot should drain to the street with the rear lot areas to drain to the rear of the lot (easterly) and then drain to the north towards an existing drainage ditch. The applicant should also insure that the driveway area along the south side of the property does not drain onto the adjoining property. (lot 2, block 3) but rather drain as just previously indicated. The applicant should make sure this drainage pattern is implemented during the grading and construction process.
- D. Flood Plain elevations: The property in question is located adjacent to a flood plain area. Although it would not appear to be affected directly, the applicant should insure that the floor elevations of the structure are constructed to an elevation required, as applicable, by the citys flood plain ordinance. (approximate elevation 800 feet).
- E. Easements: Currently there exists an 18 foot wide drainage and utility easement on the north side property line and a 10 foot drainage and utility easement on the rear or east property line of the lot. Based on the original site plan the attached garage on the north side of the 4 plex infringes by 2 feet into the 18 foot easement and the detached garage in the rear of the property infringes by 4 feet on the 10 foot easement. This arrangement is not acceptable and the site plan must be revised. The applicant is aware of this situation and is considering adjustments to the layout to resolve this problem. The applicants ideas for adjustment appears to indicate that he would probably move the four plex structure slightly to the rear of the lot and also slightly to the south and move the detached garage four feet further off the rear lot line. Concerns pertaining to possible adjustments relate to the effects of traffic movement within the property. The applicant should be required to submit a revised site plan prior to building permit issuance. (the applicant has submitted a revised site plan).

F. Landscaping Plan: The applicant has not provided a landscaping plan. A landscaping plan should be submitted for approval prior to occupancy of the units

Recommendation: Based on the revised site plan presented by the applicant the Planning Commission recommended approval subject to the following conditions:

- A. That the applicant submit a landscaping plan to the City of Hastings prior to occupancy of the units.
- B. That the property drain pursuant to the original grading plan for the lot. In this case the front of the lot should drain towards the street. The rear of the lot should drain northeasterly towards the adjacent drainage ditch. The applicant should insure that the driveway area on the south side of the lot does not drain onto the adjacent lot (lot 2, block 3).
- C. That the applicant comply with flood plain requirements for the area in question, as applicable, regarding elevation of the structure.

jt

LAND USE APPLICATION

CITY OF HASTINGS

Address of Property Involved 3085 Riverwood Drive Hastings, Mo.

Legal Description of Property Involved Lot 1 Block 3 Riverwood

Applicant:
Name Columbus Friesmuth
Address 12455 - 198th St
Hastings Mo
Telephone 437-9692

Official Use Only	
Date Rec'd	_____
Case No.	_____
Fee Paid	_____
Rec'd by	_____

Owner: (If different from Applicant)
Name: _____
Address: _____
Telephone: _____

Request:
Zone: _____ Special Use: _____
Site Plan Review Subdivision: _____
Variance: _____ Other: _____

Present Zone: R3

Applicable Ordinance No. _____ Section: _____

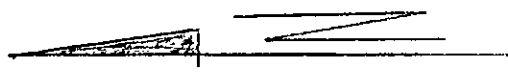
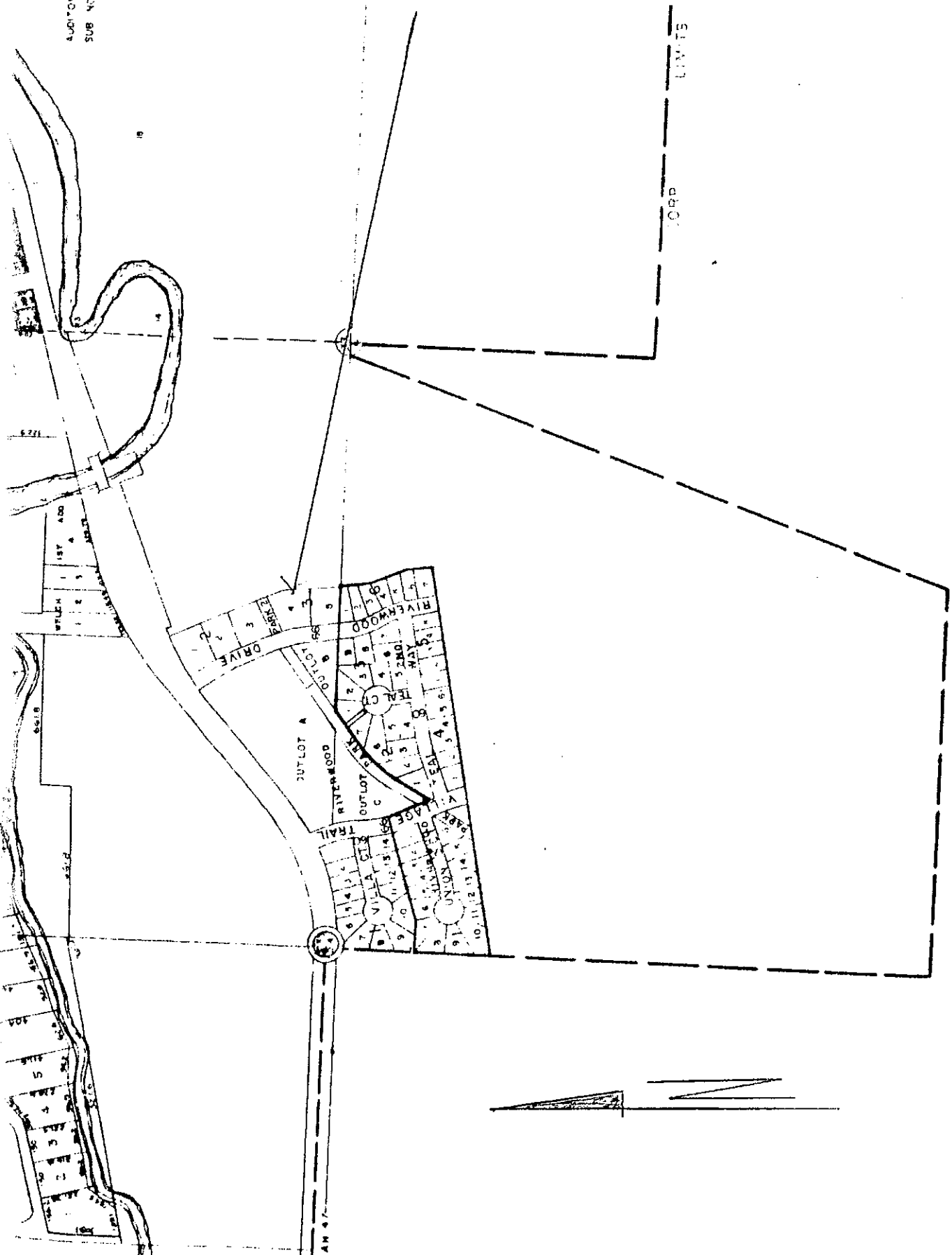
Description of Request Building permit

Planning Commission	Approved	Denied	Date

Columbus Friesmuth
Signature of Applicant

SUBJECT PROPERTY

AUDITORS
SUB NO 3



6	5	4	3	2	1
A	B	C	D	E	F

D

THE SOUTHERLY AND SOUTHEASTERLY
RIGHT OF WAY OF C.S.A.H. NO. 47
PER BOOK 81, PAGE 456, MISC. RECORDS



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SCALE IN

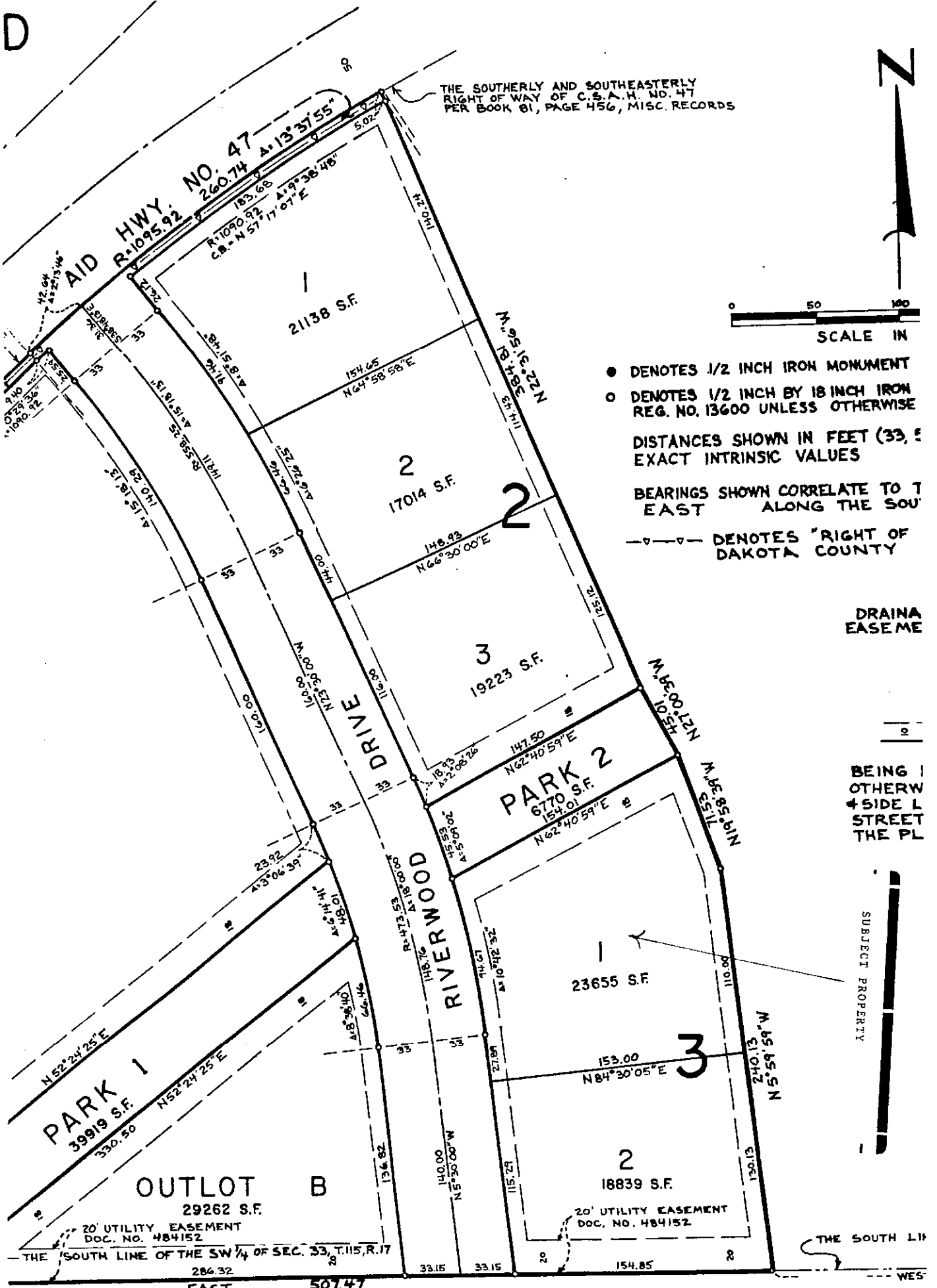
- DENOTES 1/2 INCH IRON MONUMENT
 - DENOTES 1/2 INCH BY 18 INCH IRON REG. NO. 13600 UNLESS OTHERWISE
- DISTANCES SHOWN IN FEET (33, 5 EXACT INTRINSIC VALUES
- BEARINGS SHOWN CORRELATE TO T EAST ALONG THE SOU
- DENOTES "RIGHT OF DAKOTA COUNTY

DRAINAGE EASEMENT

BEING 1 OTHERW SIDE L STREET THE PL

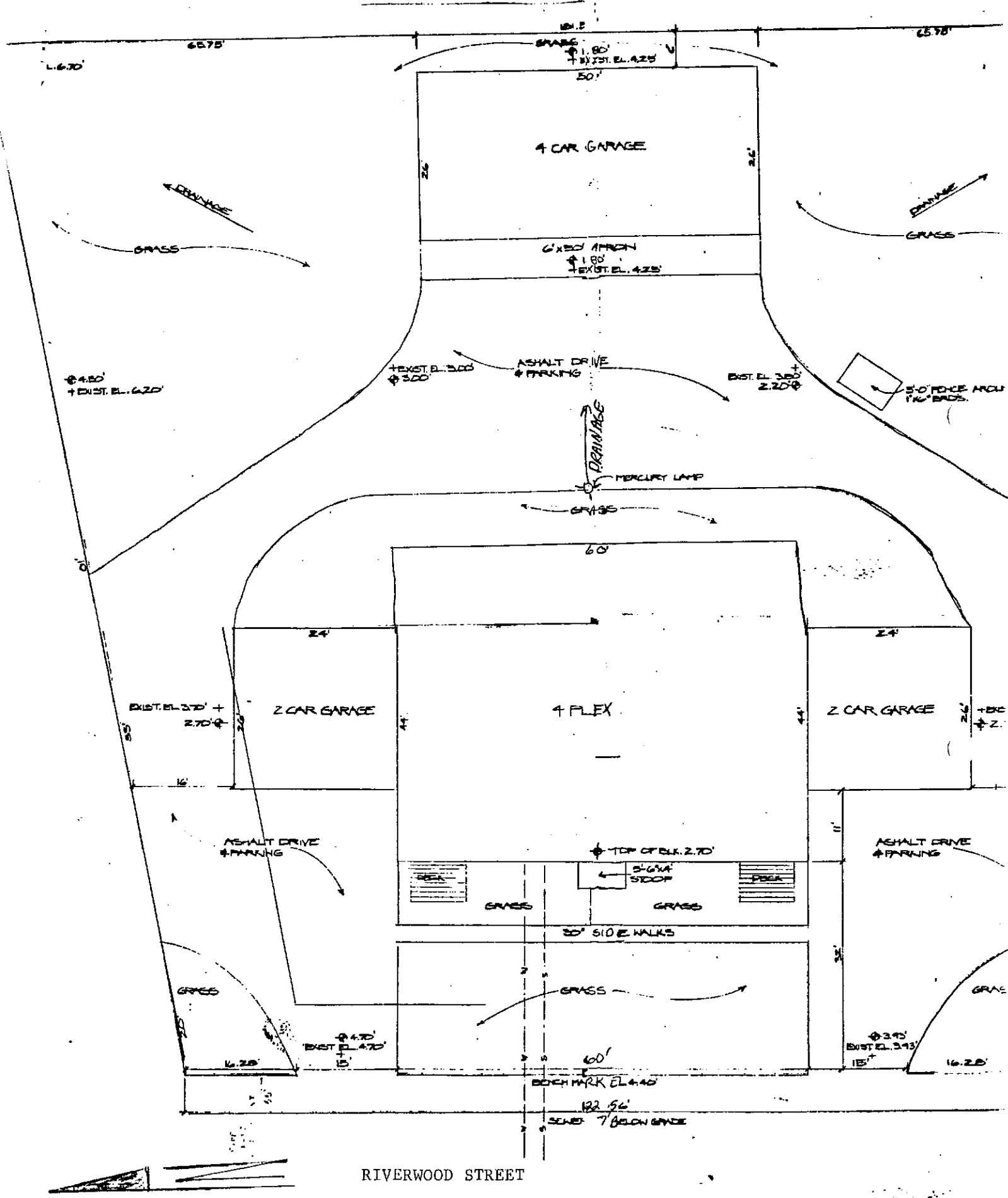
SUBJECT PROPERTY

THE SOUTH LINE



THE SOUTH LINE OF THE SW 1/4 OF SEC. 33, T.115, R.17
EAST 507.47
THE NORTH LINE OF THE NW 1/4 OF SEC. 4, T.114, R.17

CH LINE



RIVERWOOD STREET

PROJECT: 4 Plex Lot 1, Block 3 Riverwood
Columbus Freiermuth

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire	✓		5/5/86	Rosenahl	approved
Water	✓		5/5/86	Arnold Enders	APPROVED
Building	✓		5/5/86	Mulin	approved
Planning	✓		5/9/86	T.H.	Approved as per memo
Engineering	✓		5/5/86	J. Kleinschmidt	approved
Parks	✓		5/1/86	Marty McNamee	approved

ABATEMENTS--

May 2, 1986

Real Estate: Approved

Eileen Schommer
#19-32150-020-50
Hastings, City of

Unable to make interior inspection for 1985 re-valuation and estimates on story heights and update and overall condition were incorrect. The estimated market value should be reduced from \$74,000 to \$67,900.

James Dodge
#19-32150-020-95
Hastings, City of

Upon review the property was found to be over-built for the neighborhood and economic obs. was applied. The estimated market value should be reduced from \$100,000 to \$93,600.

AGREEMENT FOR HASTINGS RIVERTOWN DAYS

THIS AGREEMENT made this _____ day of May, 1986, by and between the City of Hastings, Minnesota, and the Hastings Area Chamber of Commerce.

WHEREAS, the Hastings Area Chamber of Commerce (Chamber) has scheduled a community festival for Hastings entitled Rivertown Days, which is to be held on July 24 through July 27, 1986; and

WHEREAS, in the past the City of Hastings (City) has cooperated with the Chamber in its production of Rivertown Days by providing some assistance; and

WHEREAS, both parties wish to put in writing the agreement which has been made between the parties.

NOW THEREFORE, it is agreed by both parties as follows:

I. AREAS TO BE USED

A. Carnival Area.

- 1. The carnival site will be in the Lake Rebecca area, in the lot at the northwest corner of the intersection of Lock & Dam Road and the entrance to Lake Rebecca.

B. Tennis Tournament.

The City will reserve the tennis courts at Roadside Park and the Senior High School for all scheduled tennis tournament activities. The City will also provide portable toilet facilities during each scheduled tennis tournament event.

C. Junior Swimming Olympics.

The City will reserve the outdoor pool for this scheduled event. The City will also provide an adequate number of lifeguards at this event.

D. Coed Kitten Ball Tournament.

The City will reserve the playing fields at Wilson Park and the Pioneer Park for this scheduled event. The City will also provide the Chamber with access to its storage shed, bases and lime.

E. Arts, Crafts, Games and Exhibits.

These activities will be located in Lake Rebecca Park/Jay Cee Park and are scheduled on Saturday, July 26 and Sunday, July 27, 1986 from 10:00 a.m. to 6:00 p.m.

F. Riverbend Antique Auto Show.

The City will provide the use of Peavey Park for this event which is scheduled on Sunday, July 27, 1986, from 9:00 o'clock a.m. to 4:00 o'clock p.m.

G. Demolition Derby.

This event will be held at the same location as in 1985; south of County Road No. 47, west of the Vermillion River. The Chamber will provide the necessary fence to be used at this event. The responsibility of putting up this fence and taking it down will be solely that of the Chamber. The Chamber further agrees to acquire the necessary licenses from the City of Hastings for the sale of non-intoxicating malt liquor at this event. Furthermore, the Chamber agrees to hire, at their own expense, two off-duty City police reserve officers who shall be in uniform during this event.

H. Coor's Waterski Show.

This event will be held on the Mississippi River in front of Jay Cee Park.; Permission has been secured from the DNR to close the boat launch ramp in Jay Cee Park (see attached letter from DNR). Also, permission has been granted from the Dakota County Sheriff's Department to hold this event in this area. Applications have been submitted to the U. S. Coast Guard to halt barge/tow traffic during the performance times.

The City will provide electrical outlets and portable toilets as needed in Jaycee Park during this event. The Chamber will assume all responsibility for obtaining from the City of Hastings all necessary licenses for the sale of non-intoxicating malt liquor. The Chamber will be responsible for providing and putting up all temporary fence or barrier and taking it down. The Chamber will also be responsible for the hiring of two off-duty City police reserve officers who shall be in uniform during this entire event.

I. Concessions during the Flotilla Frolic.

The City hereby grants the exclusive right to the Hastings Area Chamber of Commerce for all concessions located in Jay Cee Park during the Flotilla Frolic on Saturday evening, July 26, 1986.

J. Concession Fees.

The City will be enforcing it's peddler's license fee which is \$10.00 per day to all non-Hastings residents and non-Hastings businesses. All residents of Hastings and Hastings businesses are exempt from this City Peddler's license. City Definition: The term "peddler" as used here, means and includes door-to-door, street-to-street, place-to-place or temporary vendors of sales or services (in person or by means of telephones) without a fixed, determined, and permanent location in Hastings at which he/she transacts his/her business, carries on his occupation or practices his/her profession, and includes, but not limited to, persons commonly referred to as peddlers, solicitors, transient merchants or canvassers.

In addition, the fees for Rivertown Days participants to the Chamber are:

	<u>Exhibit</u>	<u>Game</u>	<u>Food</u>
Civic/Church	\$25	\$30	\$75
Commercial			
Hastings Chamber Members	\$50	\$75	\$75
Non-Chamber Members	\$100	\$100	\$150

K. Miscellaneous.

For all other scheduled events not listed above and which are scheduled to be held in a City Park, the City will reserve the appropriate park space. For all other scheduled events, the Chamber assumes full responsibility for contacting the owners of the property and obtaining the necessary permission for its use.

L. Shuttle Bus

The City will provide a City Trac bus to operate on a continual basis Saturday and Sunday to shuttle people in and out of the park area. If demand is sufficient, the Chamber will provide an additional bus for shuttle purposes.

II. Insurance.

A. Certificates of Insurance.

The Chamber will obtain and present to the City prior to Rivertown Days certificates of insurance from each of the following: the carnival company, all participants in the logrolling/lumberjack show, each participating hot air balloonist, the company providing helicopter rides and the company providing the riverboat excursions. Each certificate of insurance shall name the City of Hastings and the Hastings Area Chamber of Commerce, and the Rivertown Days Committee as Additional Insured at no additional costs to any of these parties.

B. Hold Harmless Agreement.

The Chamber agrees to indemnify the City and hold it harmless from any and all claims, demands, lawsuits, or liability for such loss or damage, injury, death, and costs and expenses incident thereto arising out of all Chamber activities connected with Rivertown Days.

Prior to Rivertown Days, the City shall be furnished with an endorsement naming the City as an additional insured on the Chamber's policy. The Chamber's insurance policy shall not be cancelled or its conditions altered in any manner without ten days prior written notice to the City Administrator of Hastings.

III. Miscellaneous.

A. In addition to the foregoing, the City of Hastings agrees to provide the following:

1. Trash and litter pickup which will be coordinated with Hastings Sanitary Disposal. (This service donated by Hastings Sanitary Disposal)
2. Two Parks Department employees will be on duty on Saturday and Sunday, July 26 and 27.
3. Provide barricades where appropriate.
4. Provide no parking signs where needed.
5. Ambulance service for miscellaneous events.
6. Provide a Fire Department water truck to fill the dunk tank.
7. Provide enforcement and assistance to the Hastings Police Department as required.
8. Provide extra garbage barrels at Lake Rebecca and Jay Cee and provide pickup Saturday afternoon.
9. Provide portable toilets
 - (a) Two at Con Agra/Peavy Park on July 27 for the Antique Car Show
 - (b) Two at the Community Education Center for the Bike Ride
11. The Chamber will provide four portable toilets at the Demo Derby
12. Will erect several temporary wood signs no larger than 4' X 8' (furnished by the Chamber approximately 2 weeks before the event and take down after the festival.

B. In addition to the foregoing, the Chamber agrees to provide the following:

1. Daily cleanup of all areas used during Rivertown Days.
2. Adequate traffic and crowd control at each scheduled Rivertown Days event.
3. Provide the City with a list of contact persons with phone numbers who are responsible for the various areas and events.
4. The Chamber will secure all necessary City permits and licenses required by Hastings City Ordinances for any and all activities during Rivertown Days.

5. Provide a tentative schedule for Rivertown Days (see attachment).


IN WITNESS WHEREOF, the City of Hastings and the Hastings Area Chamber of Commerce has caused this Agreement to be executed by its Mayor and City Administrator and Executive President respectively, each acting with full authority to bind each party to this Agreement.

CITY OF HASTINGS

By _____
LuAnn Stoffel, Its Mayor

By _____
Gary E. Brown, its City
Administrator/Cler;

HASTINGS AREA CHAMBER OF COMMERCE

By  5-1-86
Alan Vandehaar, its
Executive Vice-President



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

BOX , 500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55146

DNR INFORMATION
(612) 296-6157

April 10, 1986

Mr. Alan Vandehaar
Executive Vice President
Hastings Area Chamber of Commerce
427 Vermillion Street
Hastings, Minnesota 55033

Dear Mr. Vandehaar:

In answer to your request to close the public access for July 24 through 27, 1986, this is possible. However, you should know that this is not a standard practice of the Department of Natural Resources (DNR). This is a special case and only in the interest of public safety can this closing be permitted.

Generally, special use permits are given through our regional office. But in the case of a closing of a facility permission is granted by the central office. You should, however, coordinate any needs in conjunction with this closing through our regional office. The person to contact at the regional office is Mr. Delos Barber, Regional Trails and Waterways Coordinator, 1200 Warner Road, Saint Paul, Minnesota 55106, or 296-3572.

Your suggestion of signing the access, advising the public of the closing should be up for at least four weeks prior to its closing. With races and other high volume activity on the river during the closing time, I would suggest having several patrol boats to warn boaters, unknowingly entering the area from other locations.

Permission is hereby granted for the Hastings Area Chamber of Commerce in cooperation with the Hastings Parks and Recreation Department to close the river public water access near Lake Rebecca City Park from 6:00 p.m., Friday, July 25, 1986 to 8:00 p.m., Sunday, July 27, 1986.

If you have any further questions, feel free to call my office or Mr. Barber. Good luck with Rivertown Days.

Sincerely,

PAUL T. SWENSON, Director
Trails and Waterways Unit
Box 52 - 500 Lafayette Road
Saint Paul, Minnesota 55146
(612)/296-4822

PTS/DB/jls

cc Mike Markell, Supervisor, Water Access and River Recreation Section
Kathleen Wallace, Regional Administrator
Delos Barber, Regional Trails and Waterways Coordinator

AN EQUAL OPPORTUNITY EMPLOYER



April 22, 1986

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

Dear Gary:

As the sponsor of Rivertown Days, the Hastings Area Chamber of Commerce respectfully submits the enclosed applications to sell non-intoxicating malt liquor at two separate sites during the 1986 Rivertown Days festival. It is our wish to be included on the agenda of the City Council meeting of May 5, 1986.

With the permission of the Hastings City Council, we propose to sell non-intoxicating malt liquor at the following events; (1) on Sunday July 27, 1986 at the Demolition Derby on the land south of Dakota County Highway 47 (just west of Highway 61, on the same site as last year) between the hours of 12:00 and 5:00 p.m., and (2) in Jay Cee Park, by the river, between the hours of 12 noon and 5 p.m. on Saturday, July 26th and Sunday, July 27, 1986.

At each site the Chamber will have a small booth set up from which the beverage will be dispensed. Again this year one of our primary concerns is for the security of the area, and for this we plan to employ the same number of reserve uniform police as we did last year. We will be erecting a fence around the serving area and that area will again be patrolled continuously by uniformed police.

We are seeking the council's approval of the license, based on the contingency that we will acquire adequate insurance to meet City requirements for this type of license. After your approval of this application, we will proceed with the license as we did last year to provide you with a Certificate of Insurance before we receive the actual license.

RIVERTOWN DAYS

"An Annual Community Festival on the Mississippi...Held the Last Full Weekend in July."

Sponsored by the Hastings Area Chamber of Commerce, 427 Vermillion St., Hastings, MN 55038 • 612-437-6775

We are currently entertaining proposals from Hastings area service clubs inviting them to participate with us and receive a percentage of the profits.

I have visited with Police Chief Darryl Plath concerning our plans as outlined above, and he has indicated that he has no objection to events as I have presented them.

If you have any questions, please contact me.

Yours very truly,



Alan Vandehaar
Executive Vice President

AV/cj

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

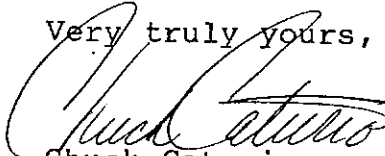
Mr. Gary Brown
Page Two
May 7, 1986

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,



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 ~~The Mayor~~ shall be the presiding officer of the City Council. ~~He~~ shall The Mayor 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 The Mayor 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 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.

the Mayor

dereliction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5.12. AMENDMENTS AFTER ADOPTION.

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

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

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

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

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

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

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

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

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

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

RECEIVED
5-9-86

HERBST & THUE, LTD.

ATTORNEYS AT LAW

2030 NORTHWESTERN FINANCIAL CENTER
7900 XERXES AVENUE SOUTH

BLOOMINGTON, MINNESOTA 55431-1178

TELEPHONE
(612) 885-2434

ADRIAN E. HERBST
DANIEL D. THUE
GARY R. MATZ
JOHN F. GIBBS
TOM TOGAS
DIANE M. SCHMIDT
JOHN M. STANOCH
RICK E. MATTOX
REESE E. GHEZICK

May 7, 1986

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

RE: Our File Number 86-0035F

Dear Mr. Brown:

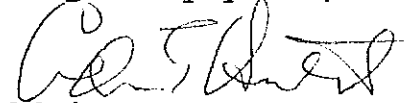
Enclosed herewith please find the materials executed by Mr. Caturia, Chairman of the Hastings Charter Commission. We have also mailed copies of these to Mr. Shawn Moynihan, the attorney for the City.

I have also enclosed a copy of our recent billing statement which incorporates the amount of the first billing sent to you plus additional amounts incurred since that time. I have reviewed the billing statement together with Mr. Caturia. I trust that it is acceptable to you.

There may be additional time incurred since the date of the billing that is not reflected on this billing although I believe that the additional amount will not be significant in as much as the billings that you now have provide the bulk of the amount of work that was involved in this project.

Should you have any questions, please do not hesitate to give me a call.

Very truly yours,



Adrian E. Herbst

AEH:rml
Enclosure

=====
S T A T E M E N T
=====

HERBST & THUE, LTD.
7900 Xerxes Avenue South
2030 Northwestern Financial Center
Minneapolis, Minnesota 55431

HASTINGS MINNESOTA
CHARTER COMMISSION
100 SIBLEY AVENUE
HASTINGS, MN 55033

86-0035F
04/24/86

THIS STATEMENT DOES NOT INCLUDE PAYMENTS RECEIVED AFTER 04/24/86

FOR PROFESSIONAL SERVICES RENDERED:

39.5 HOURS FOR THE FOLLOWING SERVICES:

Table with columns: DATE, TIME, DESCRIPTION. Rows include dates from 03/24/86 to 04/09/86 and descriptions of services like 'REVIEW OF MATERIAL FROM THURSDAY MEETING', 'INTRA-OFFICE CONFERENCE', 'PREPARATION OF CHARTER AMENDMENT DRAFTS', etc.

HERBST & THUE, LTD.

CONTINUED

FOR PROFESSIONAL SERVICES RENDERED:

DATE	TIME	DESCRIPTION
		(CONTINUED FROM PRIOR PAGE)
		AMENDMENTS. REVIEW OF AMENDMENTS. TELEPHONE CONFERENCE WITH CHARTER COMMISSION MEMBERS.
04/10/86	2.50	ATTENDANCE AT HASTINGS CHARTER COMMISSION MEETING.
04/11/86	1.50	TELEPHONE CONFERENCE WITH MR. HARTMAN. REVISION OF PROPOSED CHARTER AMENDMENTS.
04/14/86	1.50	PREPARATION OF CHARTER AMENDMENT BALLOT ITEM REVISED CHANGES.
04/16/86	0.50	DELIVERY.
	2.50	REVIEW OF CHARTER AMENDMENT BALLOT PROPOSAL REVISION. TELEPHONE CONFERENCE WITH VARIOUS MEMBERS OF CHARTER COMMISSION. TELEPHONE CONFERENCE WITH GARY BROWN RELATING TO SCHEDULING PROPOSALS FOR CONSIDERATION AT NEXT CITY COUNCIL MEETING.
04/17/86	2.00	PREPARATION OF CHARTER AMENDMENT HOUSECLEANING REVISIONS FOR SUBMISSION TO HASTINGS CITY COUNCIL FOR ADOPTION BY ORDINANCE.
04/18/86	1.00	REVIEW OF CHARTER COMMISSION MATERIALS. TELEPHONE CONFERENCE WITH CHARTER COMMISSION MEMBERS.
04/21/86	0.50	TELEPHONE CONFERENCE WITH DICK DROBAIK REGARDING CHARTER COMMISSION PROPOSED CHARTER AMENDMENTS.

CHARGES FOR LEGAL FEES: 3195.00

COSTS ADVANCED:

DATE	DESCRIPTION	CHARGE
03/24/86	PHOTOCOPYING	9.40
04/03/86	MILEAGE	12.50
04/09/86	MILEAGE	12.50
04/10/86	MILEAGE	12.50
04/24/86	WORD PROCESSING	300.00
	POSTAGE	25.95
	PHOTOCOPYING	147.20

CHARGES FOR COSTS ADVANCED: 520.05

PREVIOUS BALANCE OWED/CREDIT	1510.00
CURRENT PAYMENTS RECEIVED	0.00
CURRENT FEES AND COSTS ADVANCED	3715.05
AMOUNT DUE	5225.05

MEMO

TO: Mayor and Council

FROM: Dianne R. Latuff *Handwritten signature*

DATE: May 14, 1986

SUBJECT: Water Operator II

The City received 33 applications for the position of Water Operator II. From that group, five (5) applicants were selected to be interviewed. One of the applicants to be interviewed called just prior to the scheduled interview time and withdrew because he accepted a position elsewhere.

Four applicants were interviewed by Jim Kleinschmidt, Andy Endres, and me. We used a list of 14 prepared questions to ask each applicant and a ranking applied to each question for a total possible score of 100.

Richard Robb had the highest ranking score by the combined total of the three of us that conducted the interviews. Enclosed please find a copy of Mr. Robb's application. All of the interviews were taped and the ranking sheets are available, as well as applications of all of the applicants if Council would like to review.

Mr. Robb is currently unemployed, due to a lay-off so he is available for work immediately.

Staff Recommendation: Hire Richard Robb to fill the Water Operator II position, effective May 20, 1986 at the union rate. (The union contract starts an individual in the Maintenance II position at 80% of the current hourly rate with 5% increases every six months, until at the end of 2 years the individual is at 100% of the hourly rate.)

cl

FORMER EMPLOYERS (LIST BELOW LAST FOUR EMPLOYERS, STARTING WITH LAST ONE FIRST).

DATE MONTH AND YEAR	NAME AND ADDRESS OF EMPLOYER	SALARY	POSITION	REASON FOR LEAVING
FROM 11-74 TO 5-85	ST PAUL AMMONIA PINE BEND MN	11.40	# 1 PUMPER	PLANT CLOSED LAID OFF
FROM 5-79 TO 9-79	3M CO COTTAGE CHEMELITE AVE GROVE	8.34	OPERATOR	LAID OFF
FROM 6-78 TO 5-79	SCHOOL DIST 200 9TH VERMILION HASTINGS	4.25	CUSTODIAN	BETTER WAGES AT 3M CO
FROM 1-77 TO 4-78	DAVENPORT WATER CO 130 E 24TH ST - DAY IA	6.25	MAINTENANCE MAN	MOVED TO MN

REFERENCES: GIVE THE NAMES OF THREE PERSONS NOT RELATED TO YOU, WHOM YOU HAVE KNOWN AT LEAST ONE YEAR.

NAME	ADDRESS	BUSINESS	YEARS ACQUAINTED
¹ LARRY NEUMAN	12500 IVANHOE AVE	ELECTRICIAN	9 YRS
² BOB GAREY	1606 W 15TH ST	KOCH REFINERY	5 YRS
³ CLAYTON MCNAMARA	514 W 9TH ST	3M CO	9 YRS

PHYSICAL RECORD:

DO YOU HAVE ANY PHYSICAL LIMITATIONS THAT PRECLUDE YOU FROM PERFORMING ANY WORK FOR WHICH YOU ARE BEING CONSIDERED? Yes No
 IF YES, WHAT CAN BE DONE TO ACCOMMODATE YOUR LIMITATION? _____

PLEASE DESCRIBE: _____

IN CASE OF EMERGENCY NOTIFY DAVE MISILYA 520 3RD AVE SO 435-8702
NAME ADDRESS PHONE NO.

"I CERTIFY THAT THE FACTS CONTAINED IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND UNDERSTAND THAT, IF EMPLOYED, FALSIFIED STATEMENTS ON THIS APPLICATION SHALL BE GROUNDS FOR DISMISSAL. I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED HEREIN AND THE REFERENCES LISTED ABOVE TO GIVE YOU ANY AND ALL INFORMATION CONCERNING MY PREVIOUS EMPLOYMENT AND ANY PERTINENT INFORMATION THEY MAY HAVE, PERSONAL OR OTHERWISE, AND RELEASE ALL PARTIES FROM ALL LIABILITY FOR ANY DAMAGE THAT MAY RESULT FROM FURNISHING SAME TO YOU.

I UNDERSTAND AND AGREE THAT, IF HIRED, MY EMPLOYMENT IS FOR NO DEFINITE PERIOD AND MAY, REGARDLESS OF THE DATE OF PAYMENT OF MY WAGES AND SALARY, BE TERMINATED AT ANY TIME WITHOUT ANY PRIOR NOTICE."

DATE 5-2-86 SIGNATURE Robert Thomas Bork

DO NOT WRITE BELOW THIS LINE

INTERVIEWED BY _____ DATE _____

HIRED: Yes No POSITION _____ DEPT. _____

SALARY/WAGE _____ DATE REPORTING TO WORK _____

APPROVED: 1. _____ 2. _____ 3. _____
EMPLOYMENT MANAGER DEPT. HEAD GENERAL MANAGER

FORMER EMPLOYERS (LIST BELOW LAST FOUR EMPLOYERS, STARTING WITH LAST ONE FIRST).

DATE MONTH AND YEAR	NAME AND ADDRESS OF EMPLOYER	SALARY	POSITION	REASON FOR LEAVING
FROM 3-74 TO 1-77	CLINTON WATER CO 120 5TH AVE SE CLINTON IA	\$ 5.50	METER READER	LAI D OFF
FROM 5-70 TO 9-73	ST AUGUSTINE WATER CO 5T AUGUSTINE FLA	\$1 3 75	PLANT OPER.	MOVED TO IA
FROM				
TO				
FROM				
TO				

MEMO

TO: Mayor and Council
 FROM: Gary E. Brown *GEB*
 DATE: May 13, 1986
 SUBJECT: Retirement of Harry Knoll

Since December of last year Mr. Knoll has been incapacitated and has not been at work with the city. He has been on sick leave during this entire period of time. We had budgeted \$5,600 for severance pay and as a result of his extensive use of sick leave will only be obligated to pay \$2,800 severance pay on June 30, 1986.

This time period has given the Parks Department an opportunity to operate with one person short. During this past winter season it was very difficult to coordinate and to keep up with the demands for hockey rink maintenance, open rink maintenance, sidewalk shoveling, and general winter time maintenance which is done for preparation of parkutilization in the summer time. This type of winter time maintenance includes the maintenance of mowers, repair to benches and park equipment.

Now that recent rains have melted away snow and brought bales of new grass, city crews have been unable to pick up the slack of the unfilled position. Although the recent weather has been extra ordinary, we do not believe that we would have been able to maintain last years level of park maintenance with present day staff.

The staff would like permission to investigate sources of funds to fund the position for the remaining of the year which would require finding an additional \$9,000 (Considering the remaining severance pay and benefits).

cl

MEMO

To: Gary E. Brown, City Administrator/Clerk

From: Harry Knoll

Date: May 13, 1986

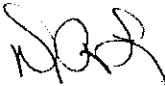
Re: Resignation

I Harry Knoll will resign June 30, 1986. I have worked for the City since 1962. It has been a pleasure working with all my fellow employees over the past years.

Harry Knoll

Harry Knoll

MEMO

TO: Mayor and Council
FROM: Gary E. Brown 
DATE: May 14, 1986
SUBJECT: Fire Contract - Labor Relation Associates

Last week we mentioned in a memo to you that the 1986 Fire Contract had not been settled through the mediation process when we met on May 6 with the Union representative, Union steward, mediator and City staff. Since no agreement was reached, the City has received notice to submit its final position relating to the Union settlement to the Bureau by May 23, 1986.

Although we feel the City is in a fairly good position with its last offer, we feel it would be in the City's interest to hire Cy Smythe, Labor Relation Associates, to work with staff on the arbitration matter. As you know, the findings of an arbitrator are final and Mr. Smythe has expertise and much experience in the area of labor law.

Staff recommendation: Hire Cy Smythe to work with staff on Local 320 Fire Contract arbitration.

ces

5-12-86

IN THE MATTER OF:

Case No. 86-PN-917
Arbitration
Requested By Union

Minnesota Teamsters Public & Law
Enforcement Employees Local No. 320,
Minneapolis, Minnesota
-and-
City of Hastings,
Hastings, Minnesota


NOTICE OF IMPASSE
AND
REQUEST FOR FINAL POSITIONS
ESSENTIAL EMPLOYEES

Pursuant to a request for determination of impasse and submission of the impasse to arbitration, I have determined that further mediation efforts would serve no purpose and that an impasse exists.

The following item(s) are certified as remaining in dispute:

- 1) Duration of Agreement
- 2) Wages

The parties shall submit in writing to the Bureau their final positions on the item(s) certified at impasse on or before May 23, 1986. A statement of the item(s) at impasse together with the final positions submitted by the parties will be certified to the Public Employment Relations Board. Parties are reminded that, pursuant to Minnesota Rule 5510.2910, subpart 4a, final positions must be in the form of the contract language desired by that party. To facilitate arbitration, parties are encouraged to highlight or otherwise note areas of proposed change in such contract language.



DIRECTOR
BUREAU OF MEDIATION SERVICES
STATE OF MINNESOTA

PWG:WA:rg

cc: Lawrence M. Bastian
Gary Brown

Dated at St. Paul, Minnesota, May 8, 1986

ME-0004101



HASTINGS POLICE DEPARTMENT

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



DARYL A. PLATH
Chief of Police
May 9, 1986

MEMO TO: Mayor Stoffel
City Council Members

FROM: Daryl A. Plath, Chief of Police *[Signature]*

RE: Request for additional Police Department personnel

The council has asked me to prepare a report on the need for additional personnel for the Hastings Police Department. This memo will be an effort to provide you some background and a plan for acquiring additional personnel.

As you may or may not know, we have not added an additional police officer to the department since 1977 ... a period of approximately 9 years. According to law enforcement studies and research, the recommended minimum number of police officers is 1.5 officers per 1,000 population. Using a 13,500 population figure for Hastings would indicate we should have 20⁺ sworn officers as a strength level. We are currently at 16 sworn officers.

As you know, in 1988 the city boundaries and population will be expanded because of the annexation. Some of that area (Malcolm Avenue) annexed early, as of March this year, thus increasing our area of responsibility.

I am requesting the addition of one patrol officer to be employed as of September 1, 1986, and the addition of a second patrol officer as of September 1, 1987. That will give us two additional patrol officers by 1988.

Of equal importance is the necessity for having adequate clerical support staff in the office. We currently have one full time and two part time clerical staff. We are at the absolute breaking point and falling behind in this area and desperately need at least 3 days a week in clerical support. I am requesting one additional part time clerical person 3 days a week, to begin as of July 1, 1986.

I know that you are already asking "where do we get the money?" I will offer the following possible solution. As you may recall, we budgeted \$13,400 for severance pay for Lt. Gath, who had planned upon retiring in September of this year. Lt. Gath has decided to delay his retirement until 1987. That money would be available to support this request.

Cost of an additional part time clerical person would be approximately \$4,000 from July through December, 1986. Cost of an additional patrol officer would be approximately \$7,000 from September through December, 1986, bringing the total cost to approximately \$11,000.

If you have questions concerning this request, please feel free to give me a call and I would be happy to further discuss this with the council and/or committee that it is referred to.

DAP/cs

MEMO

Date: May 14, 1986

To: Mayor & Council

From: Barb Thompson



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

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

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

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

The depositories for your approval are:

1. Gold Coast S/L - Pembroke Pines, Fla.
2. Household Bank - Baltimore, Maryland
3. Westport Savgs Bank- Laguna Beach, Ca.
4. Comfed Svgs. Bank - Chelmsford, Ma.
5. Western Financial Savings - Orange, Ca.
6. Liberty Federal S/L - Leesville, La.
7. City Commerce Bank - Santa Barbara, Ca.

MEMO

To: Honorable Mayor and Members of the City Council

From: J. J. Kleinschmidt, City Engineer

Subject: Requested purchase of Polaroid Camera

Date: May 6, 1986

The City has a Kodak Instamatic Camera that is used by the Building, Planning and Engineering Departments. Because Kodak lost a suit to Polaroid, they no longer make film for this camera. Therefore this camera is useless to us.

We would like to purchase a Polaroid camera for about \$60.00. It is proposed to pay for it equally from the 1986 operating budgets of these three departments.

Request is hereby made to purchase this camera.



jt

Memo

TO: Honorable Mayor & Members of the City Council

From: J.J. Kleinschmidt, City Engineer

Subject: Advance encumbrance of Municipal State Aid Street funds.

Date: May 12, 1986

Enclosed you will find a copy of a resolution requesting an advance encumbrance of funds from the Municipal State Aid Street Account in the amount of \$80,000.

The reason for this request results from the fact that sufficient funds are not available in the City of Hastings Municipal State Aid Street Account to fund the City's request for State Aid Funds on the Pine Street project.

The enclosed resolution asks that the Commissioner of Highways authorize the payment of \$80,000 from the City's 1987 allotment. This resolution is required by State Aid policy.

James J. Kleinschmidt

kt

CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA

Resolution No. _____

REQUEST FROM COMMISSIONER OF HIGHWAYS FOR ADVANCE ENCUMBERANCE OF MUNICIPAL
STATE AID STREET FUNDS

WHEREAS, the City of Hastings has obtained the Commissioner's approval
of the plans for the following Municipal State Aid Street Project:

S.A.P. 130-122-08, M.S.A.S. NO 122 Located on Pine Street
between CSAH 42 and T.H. 55 CONSISTING OF: Grading, aggregate
base, bituminous base, bituminous surfacing, sidewalks, and
storm sewers

AND, WHEREAS, said City is prepared to proceed with the construction
of said projects by providing local funds to supplement the available funds
in its Municipal State-Aid Street Account.

WHEREAS, repayment of the funds, so advanced, by the Municipality
is desired in accordance with the provisions of the Minnesota Statutes
162.14, Subdivision 6.

NOW, THEREFORE, BE IT RESOLVED: That the Commissioner of Highways
be and is hereby requested to approve this basis of financing said
construction projects, and to authorize repayments from the subsequent
accruals to the Construction Account of the Municipal State-Aid Street
Fund for said City within the limitations provided by law, and at the
times and in the amounts as herein indicated.

On or after February 1, 1987 - \$80,000 from "1987 Allotment"

AYES:

NAYES:

LuAnn Stoffel, Mayor

ATTEST:

Gary E. Brown, City Administrator/Clerk

I, _____, duly appointed and qualified City Administrator/
Clerk for the City of Hastings, State of Minnesota, do hereby certify that
the above is a true and full copy of a resolution duly adopted by the City
Council assembled in regular session on the 19th day of May, 1984.



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

May 9, 1986

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

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

*Also admitted in Wisconsin

OFFICES ALSO AT:

- Red Wing, MN
(612) 388-1581
- Cottage Grove, MN
(612) 459-1019

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

Re: City of Hastings - Loesch Agreement

Dear Gary:

As requested, we have drafted an Agreement between the City of Hastings and Theresa Loesch, the owner of the parking lot across from the Police and Fire Stations.

Please review the terms of this Agreement to see that it contains everything the City would like. The terms in this Agreement were obtained from Jim Kleinschmidt.

I would like to point out one matter with regards to the patching of potholes. I recommend that the City monitor the condition of that lot and patch any potholes in a timely manner. Arguably, the City faces some exposure if an individual were to injure themselves by walking in a pothole. Even though the City is not the owner of the property, if Loesch is sued as a result of such an injury, the City could expect that it would also be brought into the lawsuit for any negligence it has in failing to timely patch any potholes. The landowner would argue that the City was negligent in patching the pothole and consequently the property owner now faces potential damages to the injured property.

One final matter, we have set this up for the signature of only Theresa Loesch since we were informed by the City that she is the only owner of this property.

If there is anything further you need on this Agreement, please do not hesitate to call.

Very truly yours,

CITY OF HASTINGS, by
/s/ SHAWN M. MOYNIHAN

Shawn M. Moynihan
Assistant City Attorney

SMM/bap

Enclosure

cc: James J. Kleinschmidt

AGREEMENT

THIS AGREEMENT is made this _____ day of May, 1986, by and between the City of Hastings (City) and Theresa Loesch (Loesch).

WHEREAS, Loesch is the owner of real property presently improved as a parking lot and located in Lots Five (5) and Six (6), Block Twenty-eight (28), Town of Hastings; and

WHEREAS, this parking lot is also located across 5th Street from the Hastings Police and Fire Stations; and

WHEREAS, in the past police and fire personnel have periodically used this lot for parking their vehicles while conducting business at the respective stations; and

WHEREAS, the City desires to have City police and fire personnel continue to use this lot for parking purposes; and

WHEREAS, Loesch is willing to permit police and fire personnel to continue to use this lot for parking purposes.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Loesch agrees to permit City police and fire personnel to park in their lot located in Block Twenty-eight (28), Town of Hastings, without regard to time of day when the vehicles may be parked there.

2. In return for permission to park in said lot, the City agrees to patch any potholes in the lot, provide seal coating, sweep the lot and remove piles of snow from the lot, all of which services shall be performed by the City on an "as needed" basis as determined by the City.

3. It is agreed between the parties that the services to be performed by the City shall not include overlaying the lot with bituminous surfacing or the plowing of any snow.

4. This Agreement shall run for one year from the date as stated above. This Agreement shall be renewed annually unless 60 days prior to the anniversary date of this Agreement written notice is given by either party, to the other, of their intention not to renew this Agreement.

CITY OF HASTINGS, a Minnesota Municipal Corporation

Dated: _____

By _____
LuAnn Stoffel, its Mayor

Dated: _____

By _____
Gary E. Brown, its City Administrator/
Clerk

Dated: _____

Theresa Loesch

Handwritten calculations:

12000
.35 / sq ft

$$\begin{array}{r} 9 \overline{) 4200} \\ \underline{467} \end{array}$$

$$\begin{array}{r} .28 \text{ gal/sq yd} \times 10.75 \text{ gal} \times \frac{12000}{9} \\ 30 \text{ \# / sq yd} \times 10.50 \times \frac{12000}{9} \\ \hline 2000 \end{array}$$

$$= \$ 210$$

VID4

MEMO

To: Honorable Mayor and Members of the City Council

From: J.J. Kleinschmidt, City Engineer

Subject: Proposed Agreement between City of Hastings and
William & Linda Deitner

Date: May 14, 1986

Mr. and Mrs. Deitner live at 637 W. 2nd St. No sanitary sewer or watermain exists in 2nd Street adjacent to their property. Mr. & Mrs. Deitner are served by a private well and a private sewer system. Both the well and the sewer system have deteriorated to the extent that they need replacement and the property owners desire to connect to the city utilities if possible.

The nearest sewer and water mains exist at the intersection of 2nd and Pine Street and it is staffs recommendation to allow them to connect to the city's system here. This will mean that they will have a long sewer and water service (about 250 feet) but they are willing to pay this expense. Also this will involve a private sewer lift station which they also will finance. A Dakota County permit is also required for work in their right of way.

The thing that is different about this installation is taht normally persons connecting to the city utilities, have paid assessments for the mains they are connecting to. Since no mains exist adjacent to their property, they have never paid sewer and water assessments.

It is staffs recommendation that the property owners sign an agreement with the city whereby these owners agree not to contest assessments for sewer and watermains if ever sewer and watermains are constructed on 2nd Street adjacent to their property. It is conceivable that future owners of this property could challenge the benefits if sewer and watermain are constructed on 2nd St. adjacent to their property.

It is our recommendation that the Mayor and City Clerk be authorized to sign the enclosed agreement. The property owners have agreed to do so.

James J. Kleinschmidt

jt

AGREEMENT

THIS AGREEMENT, is made this ____ day of May, 1986, by and between the CITY OF HASTINGS, a Minnesota Municipal Corporation (hereinafter referred to as "Hastings") and WILLIAM DEITNER and LINDA DEITNER (hereinafter referred to as "Deitner");

WITNESSETH:

WHEREAS, Deitner is the current fee simple owner of property located in the City of Hastings legally described as follows:

Lot 6 and the westerly 22 feet of Lot 5 in Block 13
in Addition Number Thirteen to the City of Hastings;

WHEREAS, Deitner desires to construct a private water line and sanitary sewer line within the right of way of Second Street to serve the above-described property which will be connected to the currently existing water line and sanitary sewer line maintained by the City of Hastings at the intersection of Pine Street and Second Street;

WHEREAS, Hastings consents to the construction of the water line and sanitary sewer line by Deitner and the connection of said lines to the water line and sanitary sewer line maintained by Hastings.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained, it is mutually agreed by the parties as follows:

1. That Hastings consents to the location and construction of the private water line and sanitary sewer line in the right of way of Second Street and the connection of said water line and sanitary sewer line to the existing water line and sanitary sewer line at the intersection of Pine Street and Second Street.
2. That Deitner agrees to pay to the City of Hastings the SAC charge, WAC charge, City sewer connection charge and permit fee, imposed by the City of Hastings for connection to the existing water line and sanitary sewer line.
3. That in the event Hastings constructs a water line and sanitary sewer line along Second Street and adjacent to the above-described property, which services the above-described property, then and in that event Deitner waives their right to contest the assessments for the construction of said water line and sanitary sewer line on the basis that the above-described property is not benefited by said water line and sanitary sewer line, except that the right to contest the amount of the assessment or the manner of its imposition is hereby reserved by Deitner.
4. The covenants contained in this agreement shall be binding on and inure to the benefit of the parties hereto and their assigns, executors, heirs and successors.

IN WITNESS WHEREOF, this Agreement was executed as of the day and year first above written.

(SEAL)

CITY OF HASTINGS, A Minnesota
Municipal Corporation

By _____
LuAnn Stoffel, Its Mayor

By _____
Gary E. Brown, Its City
Administrator/Clerk

Linda Deitner

William Deitner

STATE OF MINNESOTA)
 : ss
COUNTY OF DAKOTA)

The foregoing instrument was executed before me, a notary public, this
day of May, 1986, by LuAnn Stoffel and Gary E. Brown, the Mayor and
City Administrator/Clerk, respectively, for the City of Hastings, a
Minnesota Municipal Corporation, on behalf of the City of Hastings.

Notary Public

STATE OF MINNESOTA)
 : ss
COUNTY OF DAKOTA)

The foregoing instrument was executed before me, a notary public, this
day of May, 1986, by Linda Deitner and William Deitner.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Hertogs, Fluegel, Sieben, Polk,
Jones & LaVerdiere, P.A.
999 Westview Drive
Hastings, Minnesota 55033
Telephone: (612) 437-3148
(LFS)



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO. 296-3572 1200 Warner Rd., St. Paul, MN 55106 FILE NO.

May 6, 1986

Information

Mr. Marty McNamara
Parks & Recreation Director
City of Hastings
100 Sibley Street
Hastings, Minnesota 55033

Dear Mr. McNamara:

I am writing in response to the City of Hastings resolution no. 13-86 in which the City is requesting that the Department of Natural Resources (DNR) consider paving the parking lot for the public boat access facility on the Mississippi River in Hastings.

Public access development priorities and budget estimates for this season's construction projects were developed in the spring of 1985. This allows our staff the lead time necessary to survey and design the sites, solicit public input if necessary, apply for any needed permits, write specifications, solicit bids and project budget needs for the upcoming year. Because of this, our funds for the upcoming development season have already been allocated.

I am, however, in the process of putting together the public access development priority list for the 1987 construction season. The paving of the public access site on the Mississippi River at Hastings will be placed on the list as the highest priority. With this in mind, I think we can look forward to a paved parking area next season. We are aware that the site is well used and in a visible location in the community. The paving of the site will be an asset to the access users as well as the City and the DNR.

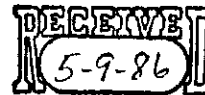
Please feel free to contact Delos Barber, Regional Trails & Waterways Coordinator, if you should have any questions or concerns in regard to this matter.

Sincerely,

Cynthia A. Wheeler
Regional Access Specialist

cc: Kathleen A. Wallace, Regional Administrator
Mike Markell, Supervisor, Water Access & River
Recreation Section
Delos Barber, Regional Trails & Waterways Coordinator

AN EQUAL OPPORTUNITY EMPLOYER



Information

CITY OF HASTINGS
CHARTER COMMISSION

100 Sibley Street
Hastings, MN 55033
May 9, 1986

Ms. Diane Latuff
Assistant Administrator
City Hall
Hastings, MN 55033

Dear Ms. Latuff:

At its meeting May 8, the City Charter Commission voted to change the wording on the ballot summaries for proposed Charter Amendments No. 1, 2, 4, and 5. The summaries adopted by the Commission are enclosed.

The summary for proposed Charter Amendment No. 3 may be used as originally submitted to you earlier.

Yours,

A handwritten signature in cursive script that reads "Dick Dobrick".

Dick Dobrick

4 enclosures

CHARTER ELECTION BALLOT

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 _____

CHARTER ELECTION BALLOT

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 _____

CHARTER ELECTION BALLOT

Charter Amendment No. 4

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

YES _____

NO _____

CHARTER ELECTION BALLOT

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 _____

MEMO

Date: May 13, 1986

To: Honorable Mayor and Councilmembers

From : Merlin Wilbur *MW*.

Subject: Sidewalk Reimbursement

I have inspected the sidewalk at 304 East 3rd Street and respectfully ask the Council to reimburse Mr. Donald Sherry for 50% of the cost of replacement or \$612.50. (4' x 46' x 4"= 1845 s.f. @ \$6.66).

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