

AGENDA

- I CALL TO ORDER:
- II ROLL CALL:
- III DETERMINATION OF QUORUM:
- IV APPROVAL OF MINUTES:
 - Minutes of meeting of January 21, 1986
- V AWARDING OF BIDS AND HEARING
 - 1. Award Bid-Water Department pickup
 - 2. Award Bid-Conversion of Well No. 5.
 - 3. Public Hearing-Bed and Breakfast Establishments in an R-2 zone.
 - 4. Award Bid Transit Vehicle.
- VI REPORTS FROM CITY STAFF:
 - A. City Planner
 - 1. 2nd Reading-Ordinance Amendment-Bed & Breakfast Establishments in a R-2 zone.
 - 2. Preliminary/Final Plat Review-Rocky Ridge Townhouse 1st Addition (replat Lots 1-4, Block 1, Dakota Hills 5th Addition) Hastings Construction.
 - 3. Preliminary/Final Plat Review-Hilltop Homes 1st Addition (replat Lots 3-6, Block 1, Schumacher 1st Addition) Hoffman and McNamara.
 - 4. Rezoning (Agricultural to R3-PRD) Preliminary plat review-Williams 1st Addition-Schumacher Realty-set public hearing order E.A.W.
 - 5. Home Occupation Permit request-Ruth Bremer-920 Tyler-Single Chair Beauty Shop.
 - 6. Home Occupation Permit request-Robert Schmitz-803 Oak-Taxi Cab Service.
 - 7. Planning Commission vacancy.
 - B. City Administrator
 - 1. 3rd Reading Ordinance No. 192-Liability Insurance Beer, Wine and Liquor.
 - 2. 3rd Reading Ordinance No. 193-Explosives within the City.
 - 3. 1st Reading-Ordinance Amendment-Public Hearing notices.
 - 4. Council Committees.
 - 5. Washington County EMS Agreement.
 - 6. Change Council meeting to February 18th due to holiday.
 - 7. Representative for Suburban Rate Authority.
 - 8. Authorize advertisement for Assistant Fire Chief car.
 - 9. Agreement for Parks Master Plan-Loucks and Associates.
 - 10. Approve Safe keeping of collateral of funds.
 - 11. Additional and Final 1985 Transfer of Funds.
 - 12. Approve Transfer of Sale forms-Cable Television.
 - 13. 1st Reading-Amendment to peddlers license.
 - 14. Ordinance Relating to Development Within the City of Hastings

C. City Attorney

D. City Engineer

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

XIII ADJOURNMENT

The City Council of the City of Hastings, Minnesota met in a regular meeting on Tuesday, January 21, 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 January 6, 1986 and hearing none declared the minutes approved as presented.

The Mayor declared the Public Hearing open at 7:31 p.m. to consider amending Chapter 3 as it relates to liability insurance requirements for beer, wine and liquor licensees. The Mayor asked if anyone wished to speak on the issue; no one wished to do so. The Mayor closed the public hearing at 7:32 p.m.

PUBLIC HEARING
LIABILITY
INSURANCE -
BEER, WINE &
LIQUOR

The Mayor declared the Public Hearing open at 7:33 p.m. to consider amending the City Ordinance establishing regulations for the use of explosives within the City limits. The Mayor asked if anyone wished to speak on the issue; no one wished to do so. The Mayor closed the public hearing at 7:34 p.m.

PUBLIC HEARING-
EXPLOSIVES
WITHIN THE
CITY LIMITS

Moved by Councilmember Berg, seconded by Councilmember Trautmann to approve the site plan for a four plex on Lot 3, Block 1 of Whispering Meadows subject to additional information being provided on the lighting arrangements and subject to a performance bond or cash escrow being submitted pursuant to Section 10.24 of the Zoning Ordinance. 7 Ayes; Nayes, Kulzer.

SITE PLAN
REVIEW-FOUR
PLEX-WHISPERING
MEADOW

Moved by Councilmember Mathiowetz, seconded by Councilmember Berg to reconsider the action taken at the January 6, 1986 Council meeting regarding the parking variance at 1317 Vermillion Street. 8 Ayes; Nayes, None.

FAIR BOOK AND
STATIONARY-
PARKING
VARIANCE-1317
VERMILLION
STREET

Moved by Councilmember Berg, seconded by Councilmember Werner to approve the parking variance at 1317 Vermillion Street for Fair Book and Stationary provided that no more than 5,760 net usable floor area is utilized on the site in adherence to the following provisions:

1. That special conditions and circumstances exist which are peculiar to the land, structures, or buildings involved in which are not applicable to other lands, structures, or buildings in the same district.
2. That literal interpretation of the City Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of Chapter 10.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. Granting the variance requested will not confer upon the applicant any special privileges that are denied by Chapter 10 to other lands, structures or buildings in the same district. 8 Ayes; Nayes, None.

Moved by Councilmember Werner, seconded by Councilmember Plan to pass the 1st Reading of an Ordinance amending Section 10.12, Subdivision 2 of the City Code allowing bed and breakfast establishments as a permitted use in an R-2 zone and setting a public hearing for the February 3, 1986 regular City Council meeting. 7 Ayes; Nayes, Trautmann.

ORDINANCE AMEND
MENT-PERMITTING
BED & BREAKFAST
ESTABLISHMENTS
IN AN R-2 ZONE

Moved by Councilmember Trautmann, seconded by Councilmember Berg to deny the request to develop Lot 8, Block 15 the original Town of Hastings (3rd & Tyler Street) into a parking lot. 3 Ayes; Nayes, Werner, Kulzer, Bond, Plan, Mathiowetz.

HRA PARKING
VARIANCE-3RD &
TYLER

Moved by Councilmember Berg, seconded by Councilmember Nesbitt to approve the parking variance for Lot 8, Block 15 original Town of Hastings (3rd & Tyler Street) subject to the following:

1. The HRA is to lease the lot.
2. No exit or entrance on Third Street.
3. Lessee shall gravel or do whatever necessary to park cars.

4. The entrance from the alley between Tyler and Ramsey would be the only entrance.
5. A "Do Not Enter" sign shall be placed in alley at West end of lot.

7-1 Werner memo

Moved by Councilmember Kulzer, seconded by Councilmember Mathiowetz to approve the request of Mr. Jim Bennis, Let There Be Hair, 708 Eddy Street to extend his relocation deadline until April 1, 1986. 5 Ayes; Nayes, Nesbitt, Berg and Werner. LET THERE BE HAIR-TIME EXTENSION

Moved by Councilmember Trautmann, seconded by Councilmember Plan to adopt Resolution No. 4-86 approving, a Taxi Cab license for Mr. Robert Schmitz, at 803 Oak Street and approving the rates; subject to him complying with the ordinance pertaining to Taxi Cabs and obtaining a Home Occupation Permit. 8 Ayes; Nayes, None. Copy of resolution on file. RESOLUTION NO. 4-86 TAXI CAB RATES

Moved by Councilmember Bond, seconded by Councilmember Kulzer to rescind the action of the Council of September 3, 1985 declaring the property located in the Southwest Ponding Basin excess property. 2 Ayes; Nayes, Plan, Mathiowetz, Berg, Werner, Kulzer and Trautmann. HAVEN HOMES-SURPLUS PROPERTY

Moved by Councilmember Berg, seconded by Councilmember Trautmann to sell this property to the highest bidder. After Council discussion this motion and second were withdrawn.

Moved by Councilmember Trautmann, seconded by Councilmember Berg to rescind the motion in the minutes of the September 3, 1985 regular City Council meeting as they relate to authorizing the City Administrator/Clerk and Mayor to execute a purchase agreement in the amount of \$94,956.50 with Haven Homes for the purchase of the Southwest Ponding Basin excess property and the restrictive covenant placed on the deed regarding a 150 foot setback requirement. 7 Ayes; Nayes, Bond.

Moved by Councilmember Trautmann, seconded by Councilmember Berg to authorize for advertisement for bids for the sale of this excess property with the legal description and the amount of property being stated in the advertisement and notifying potential bidders that the purchasers/developers shall be responsible for providing access to the property. 6 Ayes; Nayes, Bond and Nesbitt.

Moved by Councilmember Berg, seconded by Councilmember Plan to pass the second reading of an ordinance amending Chapter 3 as it relates to liability insurance requirements beer, wine and liquor licensees. 8 Ayes; Nayes, None. 2ND READING ORDINANCE AMENDMENT-LIABILITY INSURANCE BEER, WINE & LIQUOR

Moved by Councilmember Berg, seconded by Councilmember Kulzer to pass the second reading of an ordinance amending the City Code establishing regulations for the use of explosives within the City limits. This second reading shall include a provision so that protection is provided to adjoining property owners in the event of property damage. 8 Ayes; Nayes, None. 2ND READING-ORDINANCE AMENDMENT EXPLOSIVES WITHIN THE CITY LIMITS

Moved by Councilmember Plan, seconded by Councilmember Nesbitt to approve the following depositories. 8 Ayes; Nayes, None. APPROVE COLLATERAL

Marquette Bank

Federal Note	Due 11-15-86	1,380,000
Federal Note	Due 5-15-87	1,100,000
Federal Note	Due 3-31-87	780,000

First National - Hastings

School Bond	Due 2-1-87	40,000
Hospital Bond	Due 2-1-88	50,000
G.O. Bond	Due 2-1-89	50,000
Public Imp. Bond	Due 9-15-91	50,000
G.O. Imp. Bond	Due 2-1-92	50,000

Norwest Bank - Hastings

Dakota County Bond	Due 4-1-86	75,000
U.S. Treasury Note	Due 11-15-86	15,000
U.S. Treasury Note	Due 10-31-87	1,000,000
Water Bond	Due 7-1-90	95,000

Juran & Moody

Franklin U.S. Securities Fund	Open	500,000
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Moved by Councilmember Nesbitt, seconded by Councilmember Bond to approve the application from the fraternal order of Eagles, 1220 Vermillion Street, for a Class A charitable gambling license. 8 Ayes; Nayes, None.	EAGLES REQUEST CHARITABLE GAMBLING LICENSE
Moved by Councilmember Trautmann, seconded by Councilmember Mathiowetz to nominate Councilmember Michael Werner as Acting Mayor for 1986. 7 Ayes; Nayes, Werner abstained.	VOTE FOR ACTING MAYOR
Moved by Councilmember Trautmann, seconded by Councilmember Berg to adopt a joint Resolution No. 5-86 with Marshan Township approving annexation of Malcolm Avenue. 8 Ayes; Nayes, None. Copy of resolution on file.	RESOLUTION NO. 5-86 ANNEXATION MALCOLM AVENUE
Moved by Councilmember Kulzer, seconded by Councilmember Nesbitt to adopt Resolution No. 6-86 whereby the City of Hastings supports the efforts of the Hastings Bus Company to operate a Commuter Bus Service from Hastings to the Twin City area and authorizing permission to use the South end of the Civic Arena parking lot for park-n-ride from 7:00 A.M. to 5:00 P.M. Monday through Friday. 8 Ayes; Nayes, None. Copy of resolution on file.	RESOLUTION NO. 6-86 COMMUTER BUS SERVICE
Moved by Councilmember Werner, seconded by Councilmember Berg to adopt Resolution No. 7-86 receiving the 1986 Improvement Report and calling for a Public Hearing at the regular City Council meeting of March 3, 1986. 8 Ayes; Nayes, None.	RESOLUTION NO. 7-86 1986 IMPROVEMENTS
Moved by Councilmember Werner, seconded by Councilmember Berg to receive the plans and specifications for the conversion of well No. 5 to electric drive and authorize the advertisement for bids to be considered at the February 3, 1986 regular City Council meeting. 8 Ayes; Nayes, None.	PLANS & SPECIFICATION- CONVERSION TO WELL NO. 5
A request for a stop sign at the intersection of 17th & Brittany Street had been referred to the staff for study. The Council accepted staffs recommendation that stop signs not be placed at this intersection as no restricted view and no serious accident record had incurred at this intersection. Also the warrants for stop signs had not been met at this intersection.	PROPOSED STOP SIGN-17TH & BRITTANY STREET
Moved by Councilmember Plan, seconded by Councilmember Kulzer to accept the Mayors recommendation to appoint Pat Regan to the Industrial Park Advisory Committee for a three year term expiring 1-31-89. 7 Ayes; Nayes, Trautmann.	PAT REGAN- INDUSTRIAL PARK ADVISORY COMMITTEE
The Mayor presented the Council with the suggested list of Council Committee appointments. The Council will consider these committee appointments at the next meeting.	COUNCIL COMMITTEE
Moved by Councilmember Nesbitt, seconded by Councilmember Berg to pass the 1st Reading of an Ordinance Amending the procedure for publishing notices for Public Hearings and setting a Public Hearing for the February 3, 1986 regular City Council meeting.	ORDINANCE AMEND MENT-PUBLIC HEARING NOTICES
Moved by Councilmember Trautmann, seconded by councilmember Werner to table action for a proposed amendment on the public hearing notice publishing procedure until the February 3, 1986 regular City Council meeting. 8 Ayes; Nayes, None.	
Councilmember Nesbitt reminded the Council that January 26, was Missing In Action day and there will be a parade conducted in St. Paul.	JANUARY 6, 1986 - MIA DAY
Moved by Councilmember Werner, seconded by Councilmember Plan to:	CONSENT AGENDA
1. Pay all bills as audited.	
2. Partial payment No. 2 S.J. Louis Company, Watertown Watermain \$12,096.85. 8 Ayes; Nayes, None.	
Moved by Councilmember Bond, seconded by Councilmember Kulzer to adjourn the meeting at 10:15 p.m. 8 Ayes; Nayes, None.	ADJOURNMENT

ATTEST

Mayor, Lu Ann Stoffel

City Administrator/Clerk, Gary E. Brown

MINUTES OF THE HASTINGS PLANNING COMMISSION
MONDAY, JANUARY 27, 1986

An early meeting of the Hastings Planning Commission was called to order at 7:00 P.M. by Chairman Simacek for the purpose of interviewing Planning Commission applicants.

Members Present: Commissioner Stevens, Folch, Kaiser, Conzemius, Voelker and Chairman Simacek.

Members Absent: Commissioners Ditty and Anderson

Staff Present: Planning Director Harmening

The Planning Commission interviewed, in order, applicants William Wendler, Susan Dredge, and Michael Hrinyak. Applicant Wendler was unable to attend as he was out of town. PLANNING APPLICANTS

After all the interviews were conducted a vote by signed ballot was then cast. After three ballots the applicant recommended to the City Council for appointment to the City Planning Commission was Susan Dredge.

The votes on the final ballot were as follows:

Commissioner Kaiser - Dredge
Commissioner Stevens - Wendler
Commissioner Folch - Susan Dredge
Commissioner Conzemius - Wendler
Commissioner Voelker - Dredge
Chairman Simacek - Abstained from voting

The results of all ballots cast for the Planning Commission appointment are on file at the Hastings City Hall.

The regular Planning Commission Meeting was called to order at 7:30 P.M.

Motion by Commissioner Folch, seconded by Commissioner, Kaiser to approve the January 13, 1986 Minutes. Voice vote carried Unanimously.

APPROVAL OF MINUTES

The Chairman opened the Public Hearing at 7:31 p.m. Being there were no comments received from the audience the public hearing was closed at 7:32 p.m. The Planning Director addressed the Preliminary and Final Platting action proposed by the applicant. Proposed platting action actually consisted of replatting four existing lots into eight individual lots with the area surrounding the lots to be considered common open space. There currently exists three duplex units on now proposed lots 1 & 2, 3 & 4, and 5 & 6. The proposed replatting action will allow for the individual sale of the units. The proposed name for the new plat is the Rocky Ridge Townhouse First Addition. The Planner pointed out that the Building Inspector had found that the existing structures meet building and plumbing code requirements. As a point of information, concerns pertaining to utility services are not relevant in this case as they are in a separate plat being reviewed later at this meeting as the utility services for the Rocky Ridge Townhouses provide for separate shut offs for each individual unit. Commissioner Stevens expressed concern

PUBLIC HEARING-
PRELIMINARY AND FINAL
PLAT-ROCKY RIDGE
TOWNHOUSE FIRST
ADDITION-REPLAT OF
LOTS 1-4, BLOCK 1
DAKOTA HILLS FIFTH
ADDITION-HASTINGS
CONSTRUCTION CO.

with building code matter pertaining to the construction of the common walls. After further discussion Commissioner Conzemius moved, seconded by Commissioner Kaiser to recommend approval of the Preliminary and Final Plat of the Rocky Ridge Townhouse First Addition which is a replat of lots 1 thru 4 Block 1 Dakota Hills Fifth Addition on the condition that the Building Inspector recheck the status of the common walls as they pertain to code requirements. Ayes, 6; Nays, 0.

Chairman opened the public hearing at 7:45 p.m. Being there were no comments received from the audience the public hearing was closed at 7:46 p.m. The Planning Director addressed the Preliminary and Final Platting action proposed by the applicant. The proposed platting action consists of the replatting of four existing lots, each lot currently containing four row houses, into sixteen lots to be sold off individually with the area surrounding the lots to be considered common area. The proposed name for the new plat is the Hilltop Homes First Addition. The Planner pointed out that although the Building Inspector had found that the existing structures meet building and plumbing code requirements concern was raised by the Water Department that the existing water utilities only provide for one outside water shut off for each building. It was felt this situation could possibly cause a problem in dealing with delinquent water bills for the individual units. Concerns also pertain to the ability of a homeowner to repair a service line which may pass over another persons property. This matter had been brought to the attention of the applicant at an earlier date and it was proposed that the concerns as outlined be addressed in the Townhouse or Homeowners Association Agreement which would be in place for the proposed plat. Commissioner Stevens expressed concern with the proposal to address the Water Departments concerns through the Homeowners Association agreement. After further discussion Commissioner Conzemius moved to approve the preliminary and final plat subject to the utility concerns being addressed in the Homeowners Association Agreement. Motion died for the lack of a second. Following additional discussion Commissioner Conzemius moved, seconded by Commissioner Folch, to approve the preliminary and final plat for the Hilltop Homes First Addition subject to the City receiving and approving prior to final plat approval by the City Council a Homeowners Association Agreement which addresses the concerns relating to the utility services. These concerns include the payment of delinquent water bills by the association, an understanding regarding the city's right to shut the water off to an entire building, and utility repair easements or rights. Upon vote taken Commissioners Folch, Kaiser, Conzemius and Simacek voted in favor of said motion; Commissioners Stevens and Voelker voted against the motion, whereupon the motion was declared passed.

PUBLIC HEARING-
PRELIMINARY AND
FINAL PLAT-HILLTOP
HOMES FIRST ADDITION
REPLAT OF LOTS 3-6,
BLOCK 1-SCHUMMERS
FIRST ADDITION.
HOFFMAN & MCNAMARA

The Chairman opened the Public Hearing at 8:00 P.M. The Planning Director briefly reviewed the request being made by the applicant which consisted of a rezoning request from Ag to R3 PRD and Preliminary Plat approval for 31.33 acres of land located north of the Whispering Lane/4th Street West intersection. The proposed development and layout consisted of the following and was similar in nature to previous recommendations made by City staff: 23 single family homes, 18 townhouses, 16 duplexes, 120 apartment units, and 4 acres for a proposed church and 2.8 acres for park land dedication. The proposed density for the development is 5.65 units per acre. The R-3 zoning requirements permit 8.7 units per acre. The Comp Plan has identified the area in question for medium density residential uses to be developed at a density of 4 to 8 units per acres. The proposed layout for the public utilities and street grades are in accordance to the plans and specifications being prepared by the City's Engineering Department. The Engineering Department has determined that the improvements are feasible and that the Development can be served by the adjacent utilities in the Fourth Street right of way. Questions which were raised by members of the audience included:

- A. Wint Hartman - concerns with regard to the ability of the storm sewer system in 4th Street to handle the drainage needs of the proposed development as well as future growth to the west of the development. Mr. Hartman also expressed concern with the park land dedication proposal.
- B. Pete Conzemius - Concerned with city policies regarding park development.

There being no further comments from the audience the public hearing was closed at 8:15 p.m. Commissioner Voelker expressed concern with the proposed development as the applicant was involved with previous developments which have created problems or are not yet completed. Commissioner Conzemius expressed an interest in having the NRRC prepare a Master Park Plan for Hastings.

After further review of the staff report prepared on this matter the following action was taken:

Commissioner Stevens moved, seconded by Commissioner Folch, to recommend approval to the City Council of the rezoning of the subject property from Agriculture to R-3 PRD subject to the conditions or understandings being implemented as outlined below. Upon vote taken Commissioners Stevens, Folch, Kaiser and Chairman Simacek voted in favor of said motion; Commissioner Voelker voted against said motion; Commissioner Conzemius abstained. The motion was declared passed.

After additional discussion Commissioner Folch moved, seconded by Commissioner Stevens, to recommend to the City Council approval of the preliminary plat for the subject property contingent on the conditions and understandings being implemented as outlined below. Upon vote taken Commissioner Stevens, Kaiser, Folch and Chairman Simacek voted in favor of said motion; Commissioner Voelker voted against said motion; Commissioner Conzemius abstained. The motion was declared passed.

The conditions or understandings to be implemented as referenced in the motions made for rezoning and preliminary plat approval are as follows:

1. That the park land, single family homes, duplexes, townhouses, and apartment units be located on their respective lots as proposed in the preliminary plat/development proposal.
2. That 2.82 acres of park land be dedicated in the location proposed on the preliminary plat as per the recommendation made by the Natural Resources and Recreation Commission.
3. That the Whispering Lane street extension to 140th Street be widened to the required 60 feet and that the extension be surfaced with gravel until such time as sewer and water utilities are installed.
4. That the lot and block numbering system be refined.
5. That drainage and utility easements be provided along property lines as per city requirements.
6. That it be understood that final site and building plan approval is required pursuant to section 10.24 of the City Codes for the 90 and 30 unit apartment complex development as well as for the 18 unit townhouse development. The final site plan proposals to be in conformance with city regulations. Specific attention to be paid to setbacks, screening and landscaping, fire protection systems, screening and waste disposal systems, lighting, etc.
7. Single family lots in Theo Court to have 75 foot widths at setback lines.
8. That the lot remnants in the northeast and northwest corners of the development be combined with those properties noted as exceptions on the proposed plat. An alternative, dependent upon the city's feelings on this matter, would be to designate the remnants as outlots and declared unbuildable.
9. The development of duplex and single family lots to be subject to city regulations regarding setbacks, etc.
10. That, if required, an Environmental Assessment Worksheet be prepared and processed through the required review period prior to final plat approval and construction.
11. That a development agreement be formulated to implement the conditions and understandings presentally brought forward and/or those which may be recognized at a later date. Said development agreement and stated requirements therein to be recorded against and run with the property in question.

Planning Director reviewed the Home Occupation Permit for Ruth Bremer located at 920 Tyler Street. Permit request is for a one chair beauty shop. Motion by Commissioner Stevens, seconded by Commissioner Conzemius, to recommend to the City Council approval of the Home Occupation Permit as it complies with ordinance requirements subject to applicable building code and state licensing requirements being met. Ayes, 6; Nayes, 0.

HOME OCCUPATION
PERMIT-RUTH BREMER
920 TYLER STREET-
BEAUTY SHOP

The Planning Director reviewed the Home Occupation Permit for Robert Schmitz located at 803 Oak Street. The permit request is for a Taxi Cab Service. Motion by Commissioner Folch, Seconded by Commissioner Kaiser, to recommend to the City Council approval of the Home Occupation Permit for a one car taxi cab service since it complies with ordinance requirements subject to any other required Home Occupation Permits being brought up to date and that any delinquent permit fees be paid in full. Ayes, 6; Nayes 0.

HOME OCCUPATION-
ROBERT SCHMITZ
803 OAK STREET-
TAXI CAB SERVICE

The Planning Commission briefly discussed matters pertaining to the upcoming Highway 55 improvement project.

HWY 55 IMPROVEMENT
PROJECT

Chairman Simacek briefly addressed the Planning Commission on his interpretations of the Planning Commission Chairmans required duties and responsibilities when serving in that capacity.

CHAIRMANS COMMENTS

Motion by Commissioner Conzemius, seconded by Commissioner Folch, to nominate Commissioner Simacek as Chairman.

SELECTION OF
COMMISSION CHAIRMAN
AND VICE CHAIRMAN

Motion by Commissioner Voelker to nominate Commissioner Folch as Chairman.

Motion by Commissioner Conzemius, seconded by Commissioner Folch, to close nominations.

Votes were done at this time by raised hands. The tally showed three votes for Commissioner Simacek and one vote for Commissioner Folch. Commissioner Simacek and Folch abstained from voting. Commissioner Simacek is now appointed the Planning Commission Chairman.

Commissioner Voelker moved, seconded by Commissioner Kaiser, to nominate Commissioner Folch as Vice-Chairman. Commissioner Stevens moved, seconded by Commissioner Conzemius, to close nominations. Upon vote taken for the Vice Chairman position, Ayes, 5; Nayes, 0; Commissioner Folch abstained from voting. Commissioner Folch is now appointed Vice-Chairman.

Miscellaneous items were discussed at this time including matters pertaining to requiring tie downs for homes in Mobilehome parks and also a discussion on an interpretation of churches and their relationship to the permitted uses in a C-3 zone.

OTHER BUSINESS

Moved by Commissioner Folch, seconded by Commissioner Kaiser to adjourn at 9:30 p.m. Ayes, 6; Nayes, 0.

ADJOURNMENT

MINUTES OF
NATURAL RESOURCES AND RECREATION COMMISSION

Tuesday, December 17, 1985

The meeting was called to order by Chairman D. McNamara at 7:30P.M.

Members Present: P. Hicks, K. Hoeschen, J. Larson, T. Lewanski,
D. McNamara, G. Odman

Members Absent : S. Dodge, J. Lewanski, J. Warner

- 1) P. Hicks moved and was seconded to approve the minutes of the October meeting.
The motion was approved.
- 2) Commission members K. Hoeschen and J. Lewanski were honored by Mayor Lu Stoffel for their fine work on the NRRC. Both of them have served the allowed three terms. It was also announced that the NRRC will have two positions open for 1986.
- 3) Marty McNamara gave the update concerning the city ice rinks and that they are ready to go. He revealed that they are used with regularity and that Pioneer Park is the most heavily used ice rink. Moreover, the warming houses will be supervised by persons hired from the Veteran's Home.
- 4) The 1985 Budget was reported and reviewed. Expenditures totaled \$24,424.00. Discussion of future cutbacks in funding (loss of Federal Revenue dollars) and the 1986 Budget ensued.
- 5) Marty McNamara announced that the Morning Kiwanis are interested in meeting with the NRRC in regards to playground equipment at Wilson Park.
- 6) The city salt storage facility was discussed.

The following motion was moved by T. Lewanski and seconded by J. Larson:

"That T. Lewanski draft and send a letter on behalf of the NRRC to the city engineer and city council members expressing the NRRC's concern of the uncovered salt pile at the Industrial Park site."

The motion was approved. (6-0)

- 7) The Commission looked at the park dedication as presented by the developer at the William's First Addition. Ms. Edith Kaiser representing the Planning Commission supported the park land due to the lack of park space in that area of the city. The Commission supported the recommendation of the city Parks Dept. and city Planner to require 2.82 acres of park land dedication as oppose to the developer's 2 acres and \$15,600.00.

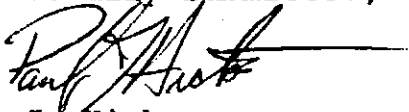
The following motion was made by K. Hoeschen and seconded by G. Odman:

"That the NRRC supports the City Parks Dept. and City Planner recommendations toward park land dedication at the William's First Addition."

The motion was approved. (6-0)

- 8) D. McNamara moved and was seconded to adjourn the meeting.
The motion was approved.
The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Hicks", with a long horizontal line extending to the right.

Paul J. Hicks
Secretary

VIAI

MEMO

DATE: JANUARY 31, 1986

TO: MAYOR AND CITY COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: PUBLIC HEARING/SECOND READING - PROPOSED ZONING ORDINANCE
AMENDMENT PERMITTING BED AND BREAKFAST ESTABLISHMENTS IN R-2
ZONES

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

jt

ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTION 10.12, SUBDIVISION 2 OF THE HASTINGS CITY CODE BY ALLOWING BED AND BREAKFAST ESTABLISHMENTS AS A PERMITTED USE IN AN R-2 ZONE.

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

Section 10.12 Subdivision 2 of the Hastings City Code is hereby amended to add the following:

Subsection F.- Bed and Breakfast lodging facilities provided the following criteria are adhered to:

- (1) That the facility be part of a formally designated local, state, or national historical structure.
- (2) Ten units maximum.
- (3) Provision for parking at a ratio of 1 parking space for each unit.
- (4) That the facility has a state license (hotel and food).
- (5) That the facility must be owner or manager occupied.
- (6) That the facility have a minimum size of 4,000 gross square feet.

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

Dick and Pam Thorsen
4th and Pine, Hastings
437-3297

City Hall
Hastings, Mn. 55033

Subject: Bed and Breakfast Ordinance

Dear Council Members, and Mayor,

As you are aware we applied to the city when we decided to offer bed and breakfast (B & B) accommodations in our building over two years ago. We were told by the city planner (Paul Burns) that we did not need a variance or permit as we were defined as simply changing from monthly accommodations to nightly accommodations. (Our building had been a six plex since the 1950s.) This was presented at a council meeting as information. Concerns related to parking and signage were answered. The B & B actually generates less traffic than the six plex. We have two state licenses we keep current, one for lodging and one for food. State health and safety requirements have been met.

Adopting a B & B ordinance now might infer to some that we are not in compliance with Hastings law. You know that is not so. But the main point is why adopt a B & B ordinance now. The obvious answer is the proposal for the Latto building. But looking beyond that we realize you must make decisions based on benefiting the community as a whole. We feel the B & B industry does benefit our community in many ways and we don't feel B & Bs are an intrusion to a neighborhood. We'd like to make the following points in favor of an ordinance.

1. Traffic is minimal. There is less moving of traffic than for other types of businesses as a customer or guest stays a minimum of 12 hours. The number of cars are of course limited to the number of units a B & B has. There is no potential of increasing this traffic unless units are increased. Your ordinance of course requires an amount of off street parking spaces equal to the number of units.
2. Reservations are made in advance and there is very little "drop-in" business. Because of limited capacity, innkeepers do not like or recommend "drop-ins".
3. The concept of B & B thrives on the ambiance of a quiet neighborhood. Guests are looking for a "homey feeling". It is an in-home business which has a definite advantage in a quiet neighborhood. It would be counter productive for a proprietor to want to disrupt or disturb with traffic or noise that atmosphere. I emphasize it is the building and its home atmosphere that is primary here. The business IS the building. It's not just a business located in an historic structure. Very few other in home businesses are so reliant on the building. Generally they are in home because they don't warrant a larger space or for the convenience of the owner.

4. Far reaching benefits: Because people are in town longer, they tend to spend money at other businesses in town- restaurants, shops, gas stations are the obvious. But also that tourist dollar turns several times once it comes into our town and inevitably that dollar ends up in one of our local banks.

5. Preservation is an obvious result and advantage of allowing B & Bs in residential areas. The use of a historic structure as a B & B encourages preservation of that building and its use is the closest (next to the real thing) to being a single family home in terms of adaptive reuse. B & Bs not only encourage preservation, they emphasize preservation of our wonderful old buildings and pride in our community.

It might also be appropriate to include or allow other uses in addition to Bed & Breakfast because of the nature of this type of business and the assumed intent of this ordinance. These other allowable uses are part of B & B ordinances in other communities in our state and other states. They include catering, reception houses and tour facilities. (We're interested personally because the Latto building has a commercial kitchen and we see that as a necessary part of the business.)

We feel offering B & B accommodations in Hastings gives tourists a good idea of how special our town is because we can personally share with them our home's history, entice them to try Hazel's walking tour, enjoy our three rivers, our Main Street town and so much more! We're very fortunate to live here and people from out of town remind us of that fact constantly.

Thank you for your work on this matter and all your time devoted to our community. we'll see you Monday night.

Warm regards,



Rochester Post-Bulletin

There may not be a TV set and you probably will have to share a bath at a B and B "but attention to detail is a big thing," says Thorsen.

"A lot of the draw is personal attention. It's not for everyone but some people want to get away and find out about themselves," Thorsen added. Most places offer a "re-treat" atmosphere. In Minnesota, I think many small vacations are healthier than one long one."

Primarily the Thorwood plays host to couples for special occasion weekends.

"We get a lot of nature lovers and bikers. This may sound strange but we get people who seem really healthy. I think it has something to do with a person's spirit of adventure. You need that when you stay a place where you don't know what you'll get."

What they get at the Thorwood is a sample of wine from the Alexis Bailey vineyard and a basket of breakfast with pastries from the local bakery, fruits and meat, fresh flowers and a hot washcloth. Each of the four completed rooms has its own window dining area.

They hope to offer carriage rides to dinner in Hastings this fall.

The Thorsens say the B and B custom is contagious and "we feel like we're sharing the adventure."

ly, Wis., says there are two types of people who go into the business. "Some go out and buy a house to make money. The others may take a farm house that's been there and are willing to open their home to guests, even if it just pays the taxes."

One young couple who live on a lake told her they did it to meet people. "And most who come there turn into friends."

Eyelow's in Minneapolis is considered to be one of the pioneers in the B and B network.

Four new B and Bs recently joined the state historic site network. They include Driscoll's for Guests at Stillwater, the Christopher Inn at Excelsior, Bluff Creek at Chaska and the New Prague Postage House.

This year Bed and Breakfast and Historic Inns will offer a drawing for a free night at each of the locations in 1985-86. You can sign up by staying at any of the B and Bs. "It gives us a chance to brag about each other," Thorsen said.

Wood estimates there may be 100 B and Bs in Wisconsin, 36 of them on her network which spans the state. She expects it will grow to 50 by next summer. Other Wisconsin B and B associations are operated in Madison and Milwaukee.



Tom and Julie Davis serve breakfast to guests at their bed and breakfast at an old farm house on Kangaroo Lake in Door County, Wis. Mushroom quiche and native jams are on one menu; guests have the run of the house, and grounds.

Solo sojourn not so bad with B&B

B and Bs are a boon to singles. Solo sojourns aren't so bad for most of the day. But it's nice to have company for at least one meal a day, and to meet other travelers in a home setting.

And, for feeling pampered, it's hard to beat the attention to detail that you find at a bed and breakfast.

Some possibilities in our neighboring state:

■ The Duke House Bed and Breakfast in Mineral Point, Wis., a southern Wisconsin town settled by Cornish miners whose stone houses still lend charm to this community of Artisans.

Darlene and Tom Duke will serve you wine or tea in the garden, tell you about the local inns for dinner, turn back your bed and for special occasions add a glass of brandy.

Breakfast is several of Darlene's favorite pastries, eggs and a special orange drink whipped in the blender and sprinkled with nutmeg.

■ The Gallery B and B at Alma, Wis., newly opened by John Runions and his wife Joan in an old mercantile store that also houses his art gallery, her spice shop. Visits are on the deck or in a comfortable library overlooking the Mississippi.

The pair are inveterate river lovers and may call you when the Delta Queen goes by or a low is moving through the lock at sunset. You don't need a rustic roads map for the region since John knows all the scenic ones in Buffalo County.

■ Tom and Julie Davis's home near Bailey's Harbor on Door County, where you have the run of the house on Kangaroo Lake.

Tom, an environmental planner, and Julie, a librarian, fix local edibles such as morel mushrooms and plum muffins. Friends to bikers, the couple says their guests are "just like friends stopping in."

■ "The other Davises" — Hank and Margaret — on Door County whose house is right on Lake Michigan.

Early risers may see the morning star as big as a spotlight through their big picture window.

■ Great River Farm at Stockholm, Wis., an 1869 stone farm pioneered by Swedes and still bearing the Swedish flag; peace, solitude and hearty breakfast.

Food, residence licensing is customary for B and B homes

By PAULINE WALLE
Post-Bulletin Spectrum Editor

There are some regulations to follow when you open a bed and breakfast home to the public.

"It's a business," says Pam Thorsen, "not just a spare room."

Not all B and Bs are licensed the same. "You tell them what you're offering and they tell you what you are," said Thorsen, president of the state's historical B and B association.

Some businesses operate as hotels with limited food handlers' licenses, others as rooming houses; still others have restaurant licenses.

The general watchword is that any time a service is public, it requires some kind of licensing for building safety, cleanliness and food service.

Olmsted County licensing reflects state health department regulations. Generally B and Bs fall under rooming house codes. Persons who want to open a bed and breakfast would contact the county health department and submit plans.

Public health sanitarians check heating systems, hot water temperatures and storage of flammable items. They require fire extinguishers on each floor and working smoke alarms; check to see that windows aren't painted shut. Special sanitation is required for bedding and linens.

As of now any B and B kitchen would fall under the restaurant code, requiring commercial equipment, said public health sanitarian Pete Giesen. Previously installed equipment that has been inspected and is in good condition will be allowed.

"We strongly recommend operators attend a food handlers' training course for quality assurance," said sanitarian Bill Bartels. "We badger them about it and then give them all our secrets about such things as spoiling of food." The courses are offered locally and in the Twin Cities.

The Wisconsin Legislature mandated regulations specifically for bed and breakfasts as of July 1 of this year.

B and Bs are considered an owner's residence where four or fewer rooms are used for guests more than 10 nights a year and the only meal served to guests is breakfast.

The State of Wisconsin Division of Health licenses and enforces the regulations which cover sanitation, ventilation, pest control and food handling. Residential kitchen equipment is allowed.

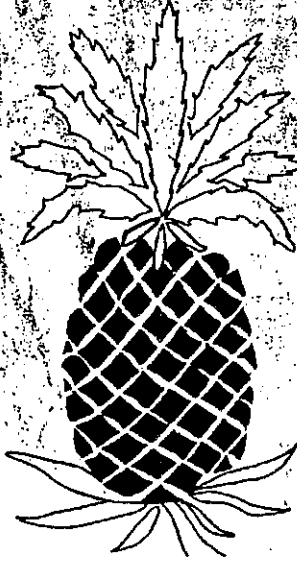
The Department of Agriculture is called when there are questions about bed and breakfast homes in the state of Iowa.

The department does not license nor inspect private homes used as B and Bs, according to Robert Haxton, supervisor of licensing.

To be exempted, the B and Bs must not provide accommodations to more than two families at the same time, serve food to the general public, allow "drop-in" trade or advertise.

Besides building and food regulations some B and B organizations have specific guidelines to personalize their organizations.

Minnesota's historical bed and breakfast association requires that the building have 10 rooms or fewer, and offer some historic significance as well as operate under state licensing.



Pineapple: symbol of hospitality

VIA 2

MEMO

DATE: JANUARY 31, 1986

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: PRELIMINARY AND FINAL PLAT REVIEW FOR A REPLAT OF BLOCK 1,
LOTS 1,2,3 and 4, DAKOTA HILLS FIFTH ADDITION-HASTINGS
CONSTRUCTION

Enclosed for your review is a copy of the proposed replat of the above described property which is located adjacent to the 12th Street and Pleasant Drive intersection located in the western part of the city. The purposed platting action consists of replatting four existing lots into eight individual lots with the area surrounding the individual lots to be considered common space. There currently exists three duplex units on lots 1 and 2, 3 and 4, and 5 and 6. The proposed replatting action will allow for the individual sale of the units. The proposed name for the new plat is The Rocky Ridge Townhouse First Addition. It appears the plat is in order and is acceptable.

As a point of information concerns pertaining to utility services are not relevent in this case as they are in the replat of the Schumachers First Addition as the utility services for the Rocky Ridge Townhouses provide for separate shut offs for each individual unit. Attached is information from the Building Inspector which addresses building and plumbing code concerns.

Recommendation -

The Planning Commission recommended that preliminary and final plat approval be given for the Rocky Ridge Townhouse First Addition subject to the Building Inspector checking on utility and common wall code requirements.

jt

MEMO

TO: Tom Harmening
FROM: Merlin Wilbur *mw*
DATE: January 28, 1986
SUBJECT: Building Code Compliance in Regard to Replat of Lots 1,2,3, and 4,
Dakota Hills Fifth Addition.

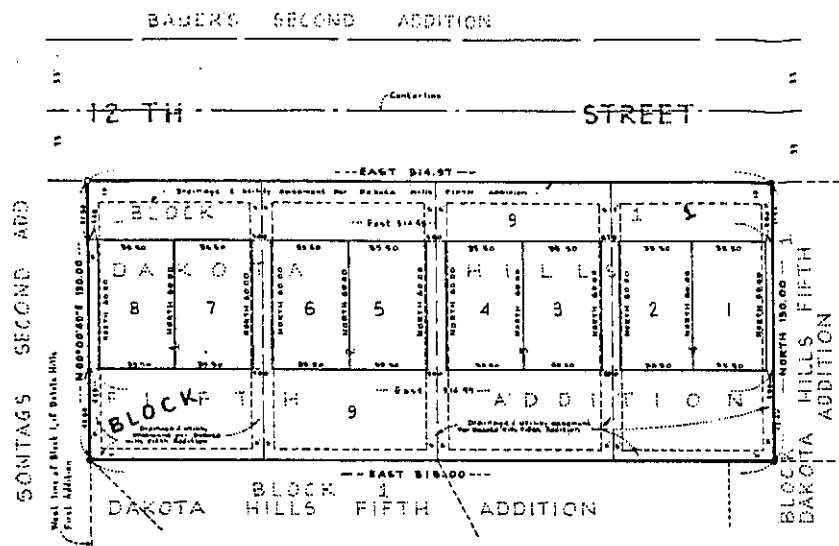
These structures meet the full intent of Sections 4715.0310 and 4715.1710 of the State Plumbing Code requiring individual sewer and water service to each unit.

Structurally the units were constructed to all applicable codes in reference to one hour fire rated construction at the separation walls between units.

I feel that these units have met the intent of all applicable governing codes.

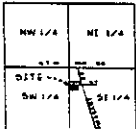
cl

ROCKY RIDGE TOWNHOUSES FIRST ADDITION



Bearings are based on the assumption that the west line of Block 1 of DAKOTA HILLS FIRST ADDITION has a bearing of North 80 Degrees 00 minutes 40 seconds East.

LOCATION MAP
SEC 28, TWP 115, R65 17



NO SCALE

● Denotes a found 5/8 inch iron pipe.

○ Denotes a placed 3/4 inch by 16 inch iron pipe having a plastic cap bearing Land Surveyor Registration Number 15473.

KNOW ALL MEN BY THESE PRESENTS: That Hastings Construction Co., Inc., a Minnesota corporation, owner and proprietor of the following described property situated in the County of Dakota, State of Minnesota, to wit:

Lots 1, 2, 3 and 4, in Block 1, of DAKOTA HILLS FIFTH ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as ROCKY RIDGE TOWNHOUSES FIRST ADDITION

In witness whereof said Hastings Construction Co., Inc., a Minnesota corporation, has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed this ____ day of _____, 19__.

HASTINGS CONSTRUCTION CO., INC.

By _____ its _____
By _____ its _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 19__ by _____ the _____ and _____ of Hastings Construction Co., Inc., a Minnesota corporation on behalf of said corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as ROCKY RIDGE TOWNHOUSES FIRST ADDITION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wet lands or public highways to be designated other than as shown.

Alan K. Scofield, Land Surveyor
Minnesota Registration No. 15473

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 19__ by Alan K. Scofield, Minnesota Registration No. 15473.

Notary Public, _____ County, Minnesota
My Commission Expires _____

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, on the ____ day of _____, 19__

Chairman _____

Mayor _____

Clerk _____

Pursuant to Chapter 212, Laws of Minnesota, 1972, this plat has been approved this ____ day of _____, 19__.

By _____
Bernard M. Larson
Dakota County Surveyor

I hereby certify that the taxes for the year 19__ for the land described on this plat as ROCKY RIDGE TOWNHOUSES FIRST ADDITION, have been paid this ____ day of _____, 19__.

County Treasurer, Dakota County, Minnesota

No delinquent taxes due and transfer entered this ____ day of _____, 19__.

Dakota County Auditor

Document Number _____

I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 19__ at ____ o'clock ____ M., and was duly recorded in Book _____ of _____ on page _____.

County Recorder
Dakota County, Minnesota

JOHNSON
SCOFIELD INC
LAND SURVEYORS

PROJECT: Prelim & Final Plat - Hastings Const. Co.

Replat of Blk 1
 Lots 1-4 Dakota Hills
 5th Addn.

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire	✓		1/21/86	W. Wendall	OK
Water	✓		1/21/86	ANDY ENDRAS	SEPERATE WATER & SEWER SERVICES OUTSIDE OF BLDG. UNIT -
Building	✓		1/21/86	W. Miller	REQUIRES SEPERATE INDIVIDUAL WATER & SEWER SERVICE TO <u>EACH</u> UNIT.
Planning	✓		1/21	Tamm	OK
Engineering	✓		1/21/86	J. Klenschmidt	Agree with comments from Water & Plumbing
Parks					OK

MEMO

DATE: JANUARY 31, 1986

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: PRELIMINARY AND FINAL PLAT FOR A REPLAT OF SCHUMACHERS 1ST ADDITION
LOTS 3,4,5 AND 6 - HOFFMAN & MCNAMARA

Enclosed for your review is a copy of a proposed replat of the above described property which is located adjacent to the 4th Street West/ Whispering Lane intersection in the northwest part of the city. The proposed platting action consists of replatting four existing lots, each lot currently containing 4 row houses, into sixteen lots to be sold off individually with the area surrounding the structures to be considered common area. The proposed name for the new plat is the Hilltop Homes First Addition. It appears that the plat is in order and is acceptable.

Also enclosed for your review is a site plan of the development which illustrates the location of the homes and related utility services. Matters pertaining to the existing utility services was an area of concern for the Water Department as it does not now permit the city to shut off the water for each individual unit from the outside in the event of a delinquent water bill. Concerns are also related to the ability of each homeowner to repair a service line which may pass over another persons property. This matter was brought to the attention of the applicant and it is proposed that the concerns outlined be addressed in the townhouse or home owners association agreement which is being prepared. Also attached is a memo from the Building Inspector which addresses building and plumbing code concerns.

Recommendation: The Planning Commission recommended that preliminary and final plat approval be given for the Hilltop Homes 1st Addition subject to the city receiving and approving prior to the final plat approval by the City Council, a Homeowners Association Agreement which addresses the concerns relating to the utility services. These concerns include payment of delinquent water bills by the Association, an understanding regarding the City's right to shut the water off to an entire building, and utility repair easements or rights. It was also recommended that it be required that the Homeowners Association agreement be recorded against the property.

jt

MEMO

To: Tom Harmening

From: Merlin Wilbur *MW*,

Re: Building Code Compliance in regard to Replat of Lots 3,4,5, & 6
Schumachers First Addition

Minnesota State Plumbing Code Section 4715.0310 mandates that each residence or building shall have its own sewer, and Section 4715.1710 mandates that each residence or building have its own water service. Each unit does have its own sewer line to a common manhole and then to the City main. Water service is provided to each unit per code. Capabilities for separate water shut off are in place within structures and accessibility should be part of the Homeowners Association Agreement.

Structurally these units were constructed to all applicable codes in reference to one hour fire rated construction at the separation walls between units.

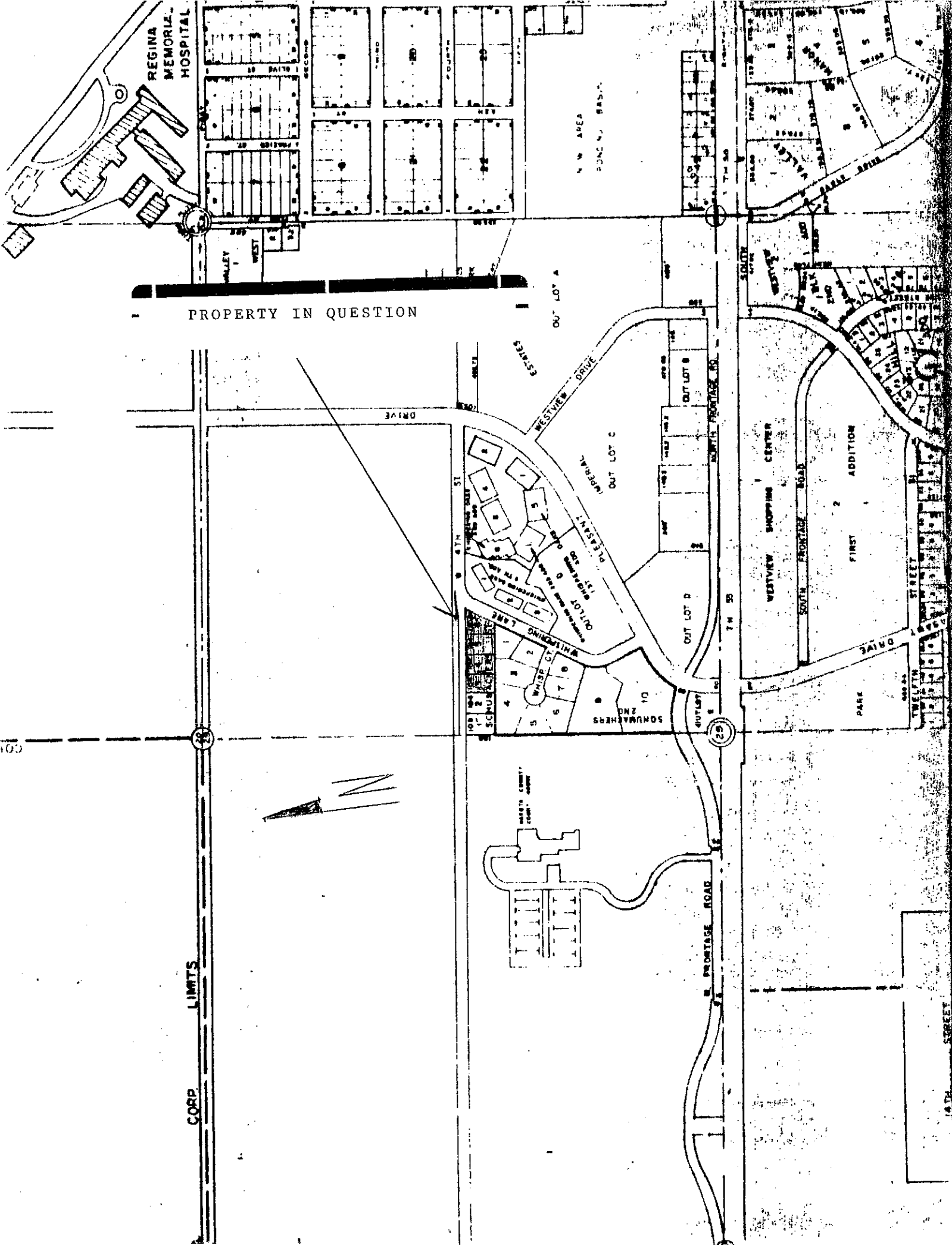
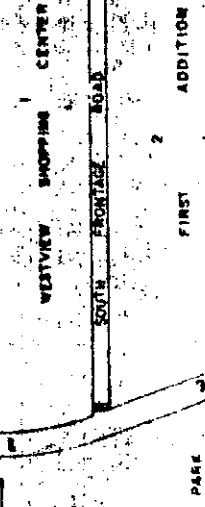
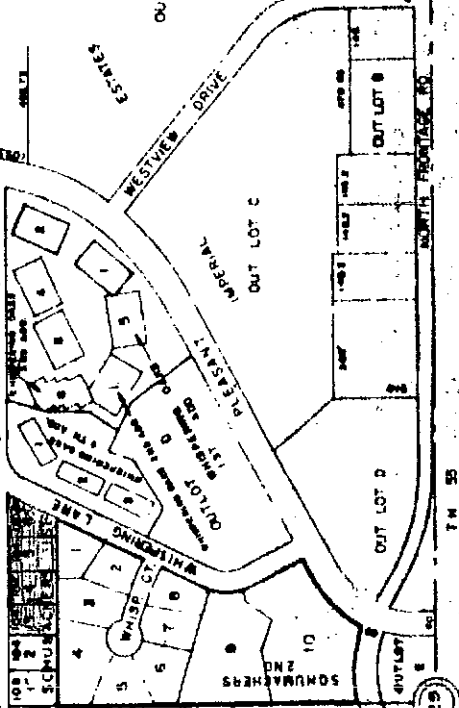
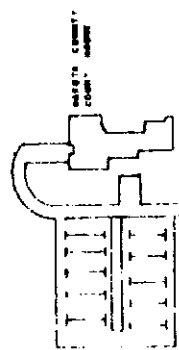
I feel that these units have met the intent of all applicable governing codes.

jt

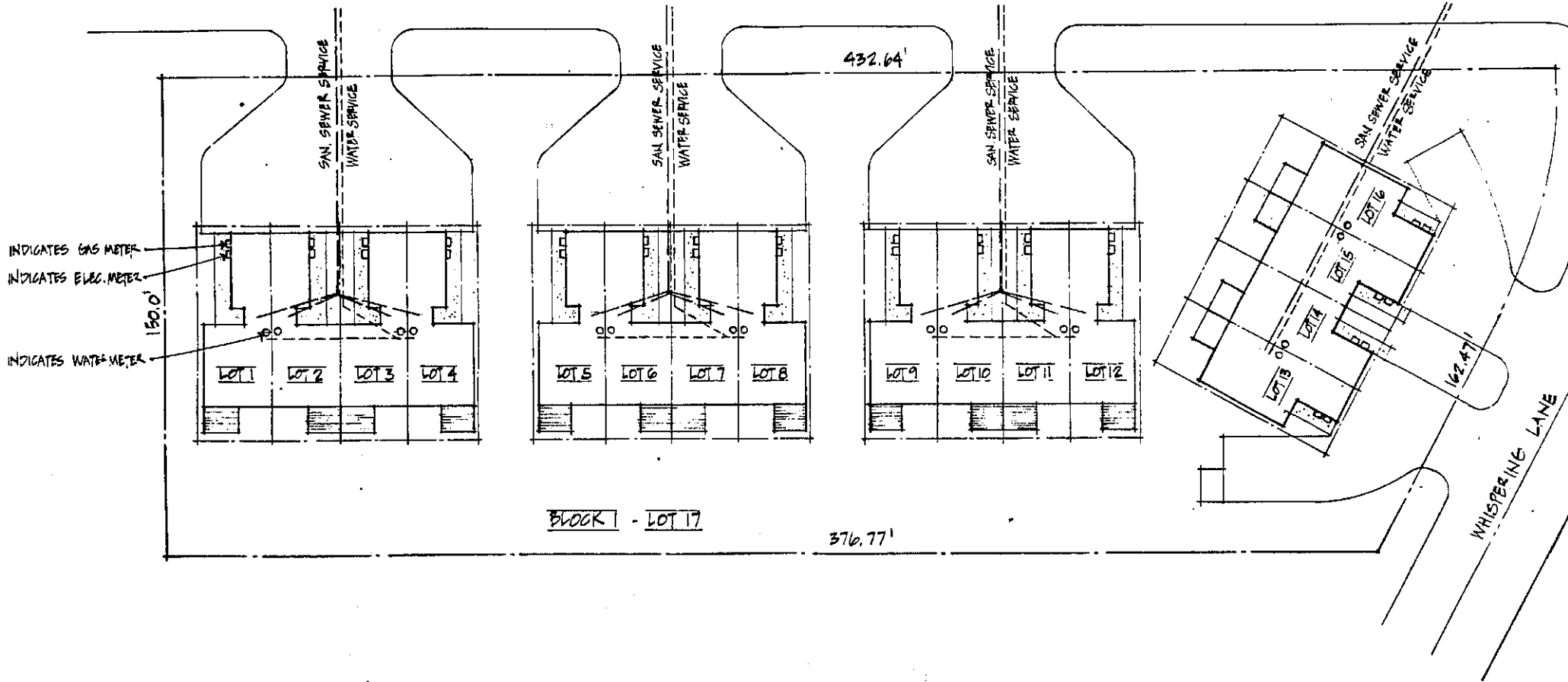
REGINA MEMORIAL HOSPITAL

PROPERTY IN QUESTION

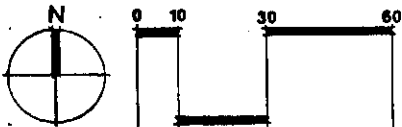
CORP LIMITS



WEST FOURTH STREET



Hilltop Homes First Addition



JANUARY 20, 1986

PROJECT: Prelim. & Final Plat Hoffman & McNamee

Replat of
Schumacher 1st Addn.
Lots 3,4,5,6

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire	✓		1/21/86	J. Sheen	OK
Water	✓		1/21/86	ANDY EADRES	SEPERATE WATER & SEWER SERVICES OUTSIDE BLDG
Building	✓		1/21/86	M. [unclear]	INDIVIDUAL WATER & SEWER FOR EACH UNIT.
Planning	✓		1/21/86	T. H.	OK Subject to Home Owner Assn revision to City's Satisfaction
Engineering	✓		1/21/86	J. Kleinschmidt	agree with Water & Building comments
Parks	✓				NOT APPLICABLE

VIA4

MEMO

DATE: January 31, 1986

TO: Mayor and Council

FROM: Tom Harmening, City Planner

RE: Schumacher Realty-Rezoning from Agriculture to R-3PRD/Preliminary Plat Approval of the Williams First Addn.-4th St. and Whispering Lane. (a more detailed summary of the project is discussed in an attached memo.)

On 1/27/86 the Hastings Planning Commission conducted a hearing on the above stated matters. Based on comments received at the hearing and on other information presented the Planning Commission recommended approval of the rezoning and preliminary plat with a number of conditions attached (these are outlined below). The action to be taken by the Council on these matters include the following:

- A. Rezoning - Agriculture to R-3 PRD. Attached for a first reading, is a copy of the Zoning Ordinance amendment for this matter. If the Council is so inclined a public hearing/second reading should be scheduled.
- B. Preliminary Plat - Review for action.
- C. Order Environmental Assessment Worksheet - It appears an EAW will be required for this project. The responsible government unit, which in this case is the City of Hastings, is required to order the preparation of an EAW.

Recommendation: The Planning Commission recommended approval of the rezoning and preliminary plat subject to the following conditions or understandings being implemented:

- 1. That the park land, single family homes, duplexes, townhouses, and apartment units be located on their respective lots as proposed in the preliminary plat/development proposal.
- 2. That 2.82 acres of park land be dedicated in the location proposed on the preliminary plat as per the recommendation made by the Natural Resources and Recreation Commission.
- 3. That the Whispering Lane Street extension to 140th St. be widened to the required 60 feet and that the extension be surfaced with gravel until such time as sewer and water utilities are installed.
- 4. That the lot and block numbering system be refined.
- 5. That drainage and utility easements be provided along property lines as per city requirements.

6. That it be understood that final site and building plan approval is required pursuant to Section 10.24 of the city codes for the 90 and 30 unit apartment complex development as well as for the 18 unit townhouse development. The final site plan proposals to be in conformance with city regulations. Specific attention to be paid to setbacks, screening and landscaping, fire protection systems, screening of waste disposal systems, lighting, etc.
7. Single family lots in Theo Court to have 75 foot widths at setback lines.
8. That the lot remnants in the northeast and northwest corner of the development be combined with those properties noted as exceptions on the proposed plat. An alternative, dependent upon the city's feelings on this matter, would be to designate the remnants as outlots and declared unbuildable.
9. The development of duplex and single family lots to be subject to city regulations regarding setbacks, etc.
10. That, if required, an Environmental Assessment Worksheet be prepared and processed through the required review period prior to final plat approval and construction.
11. That a development agreement be formulated to implement the conditions and understandings presently brought forward and/or those which may be recognized at a later date. Said development agreement and stated requirements therein to be recorded against and run with the property in question.

(See attached memo for a more detailed outline of the proposed development).

jt

MEMO

Date: January 26, 1986

To: Mayor and Council

From: Tom Harmening, City Planner

Re: Schumacher Realty - Rezoning from Agriculture to R-3PRD/Preliminary Plat Approval of Williams First Addition-4th St. & Whispering Lane

The applicant is requesting a rezoning from agriculture to R-3PRD and Preliminary Plat approval for 177 units to be located on 31.33 acres of land. The breakdown of the proposal is as follows: 23 single family units, 18 townhouses, 16 duplexes, 120 apartment units, and 4 acres for a proposed church and 2.8 acres for park land dedication. The proposal as now presented is similar in nature to what was recently suggested by the city. Outlined below is a review of various areas of concern regarding the proposal.

1. Current zoning: Agriculture. Proposed to be rezoned to R-3PRD.
2. Proposed Total Development Density: 5.65 units per acre. Maximum allowable density for an R-3 zone is 8.7 units/acre.
3. Comprehensive Plan Criteria: The Comprehensive Plan has designated the area in question for medium density residential uses to be developed at a density of 4 to 8 units per acre.
4. Adjacent Land Uses: The property to the south of 4th Street is zoned R-3 and is used for townhouse purposes. The property to the east, west and north are zoned for agriculture and are generally used as such.
5. Park Land: The city's park land dedication regulations require 2.82 acres of dedication. The plat illustrates 2.8 acres. Further calculations are required to determine if the amount of land area proposed for park land dedication equals 2.8 acres. The Natural Resources and Recreation Commission has recommended that the City except the entire required park land dedication and locate the park in the general area as now proposed.
6. Sewer/Water/Street Improvements: The developer had indicated on the plat the location of all proposed municipal utilities. The layout for the utilities and street grades are in accordance to the plans and specifications being prepared by the City's Engineering Department. The Engineering Department has determined that the improvements are feasible and that the development can be served by the adjacent utilities in the 4th Street right of way.

There is a deviation from the city's regulations for the proposed right of way width of the extension of Whispering Lane to 140th St. The City's regulations require a 60 foot right of way width. The developer has proposed 56 feet. The proposed right of way width is not acceptable and must be enlarged to 60 feet prior to final plat approval. The Engineering Department has recommended that this right of way not be paved at this time but become a gravel street until such time as sanitary sewer and water utilities are placed within the street extension.

7. Proposed layout of lot and block numbering system: In general the layout seems acceptable. It does appear the numbering system for block 3 (inside of the horseshoe) is inaccurate as it appears the townhouse development should have separate lot numbers for each home plus possibly an individual block number for the townhouse development area.
8. Proposed Street Names: The developer has extended the street name Whispering Lane north to 140th Street. The street naming system (Crestview Drive) for the remainder of the horseshoe may be somewhat confusing. This should be discussed further. As a suggestion it may also be appropriate to rename the short extension to 140th Street to something other than Whispering Lane.
9. Multi-family development proposal: The developer has indicated for conceptual purposes how a possible 120 unit multi-family development proposal would fit into the western side of the development on proposed lots 1 and 2 block 1. If the city approves the rezoning and preliminary plat the developer will still be required to receive site and building plan approval at the time of an actual construction proposal. Therefore, approval at this time is by no means approval of a final site plan. Concerns pertaining to the layout as now proposed include:
 - a. number of parking spaces - the developer has indicated an adequate number of spaces but there are not a sufficient number of spaces included in garages as is required by the zoning ordinance (2 spaces for each unit with one to be in a garage). This needs to be modified for eventual site plan approval.
 - b. setbacks and screening of garages and parking stalls - for the most part the setbacks appear to be adequate but should be refined at the time of final site plan approval in accordance with city requirements. Screening of the parking stalls also needs to be addressed eventually. It would appear that screening and curbing would be necessary along the perimeter of the parking lots.

lighting of the parking lots also needs to be addressed during the final site plan review.
 - c. water and sewer services, hydrants, etc. - detailed information was not provided but will be required at the time of final site plan approval. The fire department is particularly interested in the location of the hydrants for the complex as well as possible fire lanes.
 - d. Screening and storage of waste and garbage receptacles - detailed information was not provided. At a minimum it should be required that all waste dumpsters be properly screened from private property with opaque materials.
 - e. All other matters pertaining to site plan approval will be required pursuant to city ordinances during final site plan review.

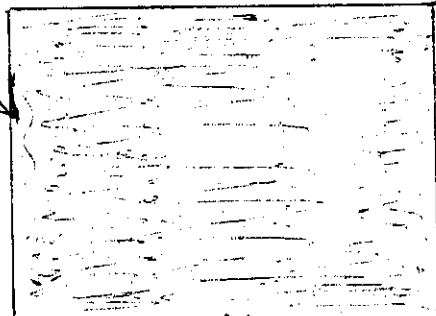
10. Townhouse Development: The developer has indicated for conceptual purposes an 18 unit townhouse development in the south central part of the development north of 4th St. Again, if the city approves the rezoning and the preliminary plat the developer will still be required to receive site and building plan approval at the time of an actual construction proposal. In general the layout appears acceptable although matters pertaining to sewer/water/hydrant locations need to be clarified as well as dumpster locations and lighting, etc. This information will be required for final site plan approval.
11. Lot layouts for single family and duplex homes: Appears acceptable although developer should double check that the lot widths in the Theo Court cul-de-sac are 75 feet wide at the setback lines.
12. Lot remnants: Located in the northwest and northeast corners of the development are lot remnants which would serve no useful purpose to the development in question. During a previous review of this proposal it was recommended that the remnants be combined with those properties noted as exceptions on the proposed plat. This recommendation still carries as it will tend to clean up the plat as proposed. At a minimum the remnants in question should be described as outlots and be declared unbuildable.
13. General Comments: Based upon the review made of the proposal it appears that the medium density residential use of this property could blend very well with the existing land use in the area. An R-3PRD zone for the proposed site with good overall design (transition uses), accompanying open space and population mixture could provide for a compatible development.

PROPERTY IN QUESTION

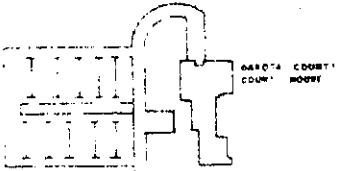
CORP LIMITS

REGINA MEMORIAL HOSPITAL

VALLEY WEST



W 4TH ST
SCHUMACHERS 1ST
WHISPERING LAKE
WHISPERING OAKS 1ST ADD
WHISPERING OAKS 2ND ADD
PLEASANT
IMPERIAL
WESTVIEW DRIVE
OUT LOT A
OUT LOT B
OUT LOT C
OUT LOT D



SAROTA COUNTY COUNTY HOUSE

N. FRONTAGE ROAD

129

WESTVIEW SHOPPING CENTER

SOUTH FRONTAGE ROAD

FIRST ADDITION

TWELFTH STREET

SOUTH

WESTVIEW

VALLEY

WYMAN

14TH STREET

ORDINANCE NO.

, SECOND SERIES

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

OFFICIAL ZONING MAP

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

The Property described as Williams First Addition is hereby rezoned from Ag to R3 PRD.

ADOPTED BY THE COUNCIL THIS DAY OF 1986

ATTEST:

LuAnn Stoffel, Mayor

Gary E. Brown, Administrator/Clerk

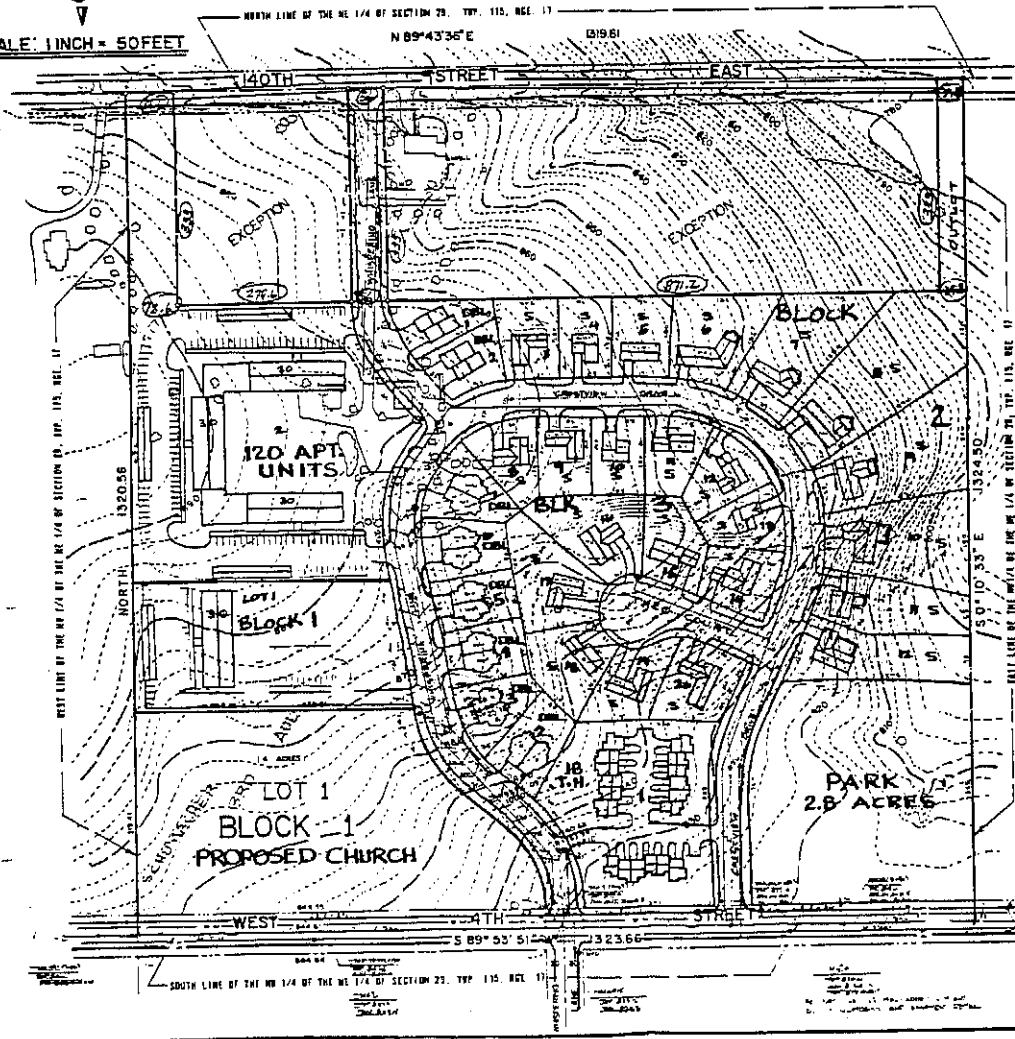


PRELIMINARY
PLAT OF

WILLIAMS 1ST ADDITION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Illinois.
[Signature]
ILL. REG. NO. 5065

SCALE: 1 INCH = 50 FEET



LEGEND

SECTION CENTER	1/4
PROPERTY	1/4
DRIVE	1/4
WALKWAY	1/4
WATER	1/4
PROPOSED	1/4
EXISTING	1/4
PROPOSED	1/4
EXISTING	1/4

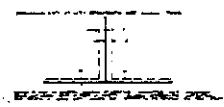
NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE PLAT IS SUBJECT TO ALL RECORDS AND RECORDS TO BE FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF COOK, ILLINOIS.
3. THE PLAT IS SUBJECT TO ALL RECORDS AND RECORDS TO BE FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF COOK, ILLINOIS.

LEGAL DESCRIPTION
NW 1/4 OF NE 1/4 SECTION 21 TWP 115. RGE. 117

TOTAL ACREAGE	51.33
ACTUAL UNITS	23
SINGLE FAMILY	23
DOUBLES	16
TOWNHOUSES	10
APARTMENTS	120
TOTAL UNITS	177

CHURCH	400 A
STREETS	540 A
PARK	2.80 A
NET DEVELOPED ACREAGE	19.43 A
TOTAL ACREAGE	51.33 A



1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE PLAT IS SUBJECT TO ALL RECORDS AND RECORDS TO BE FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF COOK, ILLINOIS.

OWNER DEVELOPER
SCHUMACHER REALTY Hastings Minn.
HARRY & JOHNSON COMPANIES, INC. BLOOMINGTON, ILLINOIS

Map No. 336
Date 20-21
Sheet 1 OF 1
190-85
1-3-3780

PROJECT: Williams 1st Addition

Department	Reviewed Yes No		Date	Name	Comments
Fire	✓		1/21/86	Ghesendorf	Hydrants on Whispering Lane & Crestview & The Ct. - OK. Additional hydrants will be needed for townhouse & apartment bldg. areas. Fire lane access may be needed to rear side of apartment bldgs.
er	✓		1/21/86	[Signature]	OK. SUBJECT TO CONST PLAN.
Building	✓		1/21/86	Mau.	SUBJECT TO COMPLETE CONST PLAN APPROVAL
Planning	✓		1/21/86	T.H.	OK Subject to memo requirements & possible Dev. Agreement
Engineering	✓		1/21/86	James M. [Signature]	Street grades shall not exceed 8%. Whispering Lane shall be platted to 60' width to 1st St, Whispering Lane to be gravelled from south end of Plat to 1st ST
Parks	✓			M.M.	IN AGREEMENT WITH THE NATURAL RESOURCE & RECREATION COMMISSION.

MEMO

DATE: JANUARY 31, 1986

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: HOME OCCUPATION PERMIT - 920 TYLER STREET (LOT 8, BLK 4, BAILLYS ADDITION) - RUTH BREMER

Ms. Bremer is requesting a Home Occupation permit so that she may conduct a single chair beauty operation in her home. Ms. Bremer is currently the proprietor of the Hastings Beauty Salon located across from City Hall at 103 Sibley Street (a three chair operation). Ms. Bremer plans on eventually terminating her business downtown and then continue it on a limited basis in her home. The Bremer residence is zoned R2 which permits home occupations.

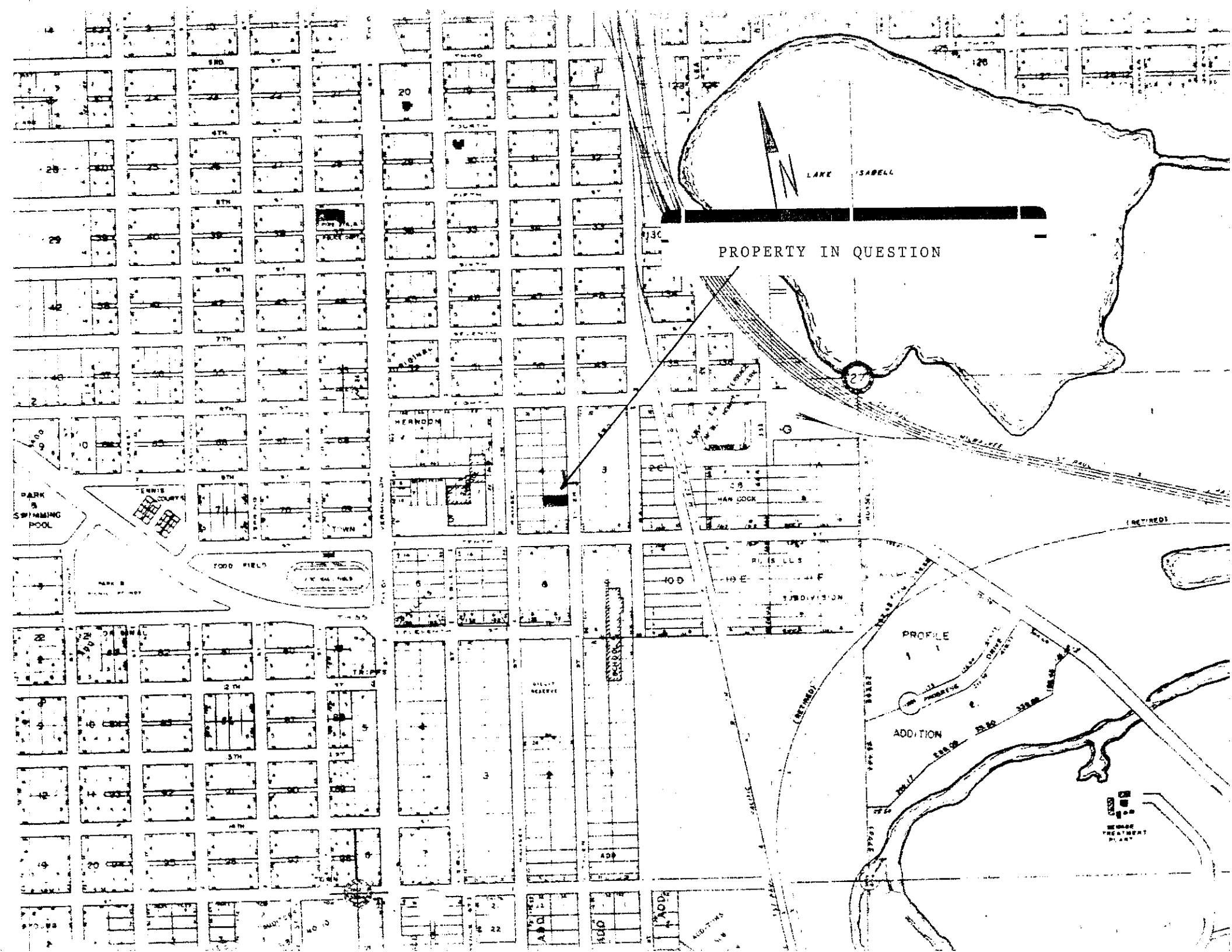
According to Ms. Bremers application form she would operate the home occupation on the driveway side of her house in a 12'x12' or 144 sq.ft. room. Although Ms. Bremer did not indicate the total area of her home, upon my own visual observation it appears the area proposed to be used for the Home Occupation does not exceed the 25% maximum. It also appears there would be room for two cars to park off street. All requirements pertaining to home occupations appear to be met.

The reason for which Ms. Bremer would like to terminate her business in the downtown and continue it on a limited basis in her home is due to the fact that her husband is in poor health and requires care which she would then be able to provide if she could work out of her home.

As a point of reference there are currently nine beauty or barbershop home occupation permits granted for 1985-1986. The closest home occupation beauty shop is located approximately 1 block south (1016 Tyler Street) of the Bremer residence.

Recommendation- The Planning Commission recommended approval on the condition that the operation meet any applicable building code and/or state licensing requirements.

jt



PROPERTY IN QUESTION

LAKE SABELL

PROFILE

ADDITION

SEWER TREATMENT PLANT

PARK & SWIMMING POOL

ENNIS COURT

FOOD FIELD

ALBION

HERNOON

HAW LOCK

RISE LLS

HOE

DIVISION

MILITARY RESERVE

RETIREDS

RETIREDS

RETIREDS

RETIREDS

RETIREDS

RETIREDS

RETIREDS

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RETIREDS

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CITY OF HASTINGS, MINNESOTA
APPLICATION FOR HOME OCCUPATION PERMIT

4197

APPLICANT Ruth-M-Bremer PHONE 437-3566

ADDRESS 920 Tyler

Do you own this property? yes If not, give name and address of owner _____

(Written permission by owner must be attached)

Legal Description of property for which permit is requested 2nd house on one way street Lot: 8, Block 4, Bailey's Addn.

Present Zoning Classification R II

Describe in detail the Home Occupation under this Permit to fix hair (one chair to do my clients. (Beauty Shop))

How many cars park at your home each week as a result of your Home Occupation? 5
What is the average length of time each car is parked? 1 Minutes 30 Hours near me

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

If yes, room for how many cars? 2 Draw sketch on back as to location on lot.

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

No. of square feet in your home 2 No. of square feet used in H.O. 12 x 12

For how long a period of time do you intend to continue this Home Occupation as applied for under this application? as long as need to work (10) yrs. approx.

How long have you been carrying on this business? 35 yrs. this yr.

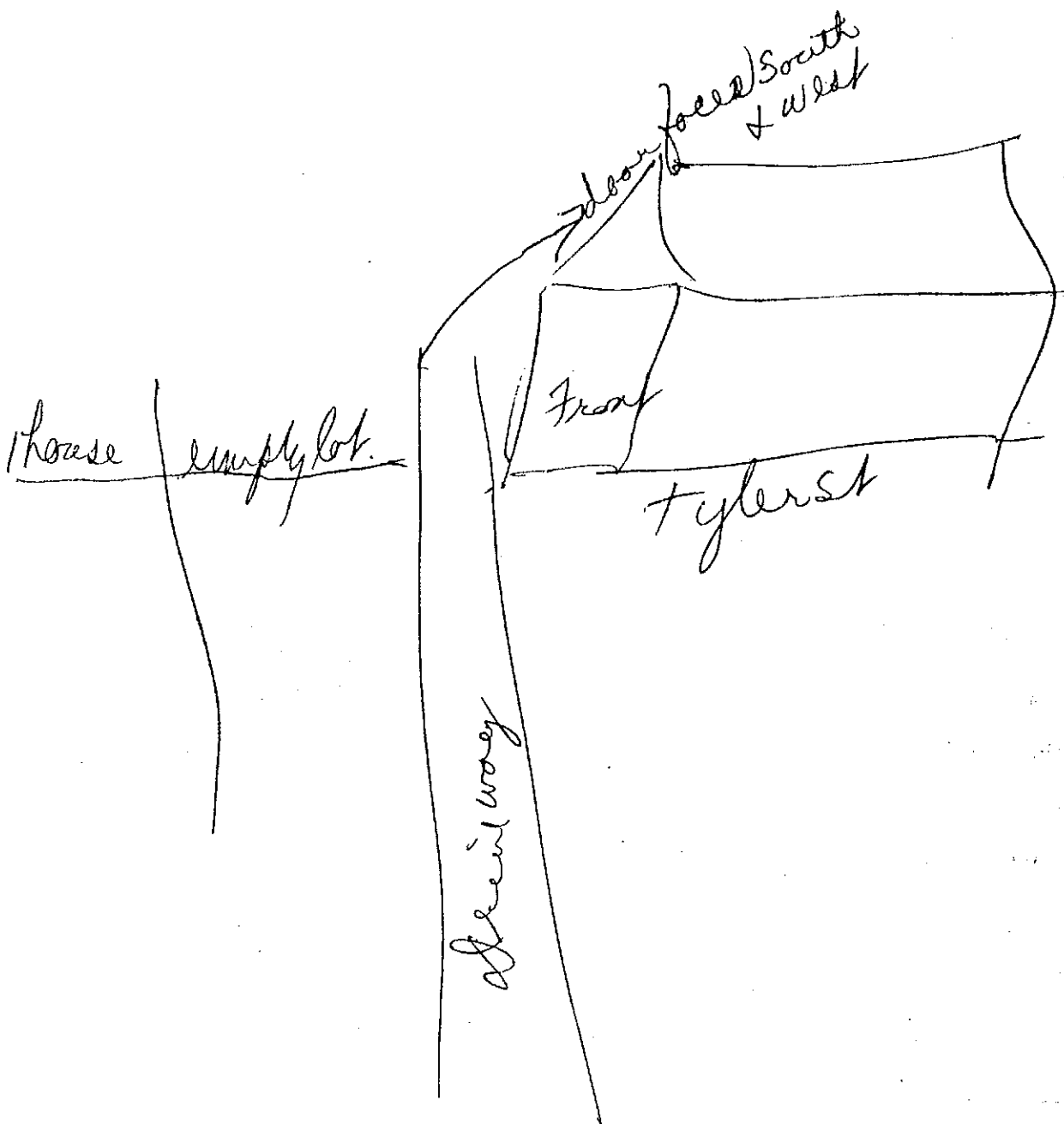
Signature of Applicant Ruth M. Bremer

Date Jan 2/86

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

Approved by City Council on _____

FEE RECEIVED: Date _____ By _____



PROJECT: Home Occupation - One Chair Beauty Shop
 420 Tyler Ruth Bremer

Department	Reviewed		Date	Name	Comments
	Yes	No			
Fire		X	1/21/85	J. Kendall	Must have state license - subject to on-site inspection
er	✓		1/21/86	James Gardner	OK
Building	✓		1/21/86	M. Miller	SUBJECT TO CERTIFICATE OF OCCUPANCY APPROVAL FROM BLDG DEPT.
Planning	✓		1/21/86	T.H.	OK subject to code & licensing requirements
Engineering	✓		1/21/86	J. Blankenship	approved
Parks					NOT APPLICABLE

VIA 6

MEMO

DATE: JANUARY 31, 1986

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: HOME OCCUPATION PERMIT REQUEST - 803 OAK STREET (LOT 4, BLOCK 8,
ALLISONS ADDITION) - ROBERT SCHMITZ

Mr. Schmitz is requesting a Home Occupation Permit so that he may conduct a taxi cab service out of his home using his own personal car. Mr. Schmitz did receive recent approval from the City Council for a taxi cab license subject to a home occupation permit being approved. Mr. Schmitz did receive in 1982 approval from the City for a home occupation for a locksmith business on the condition that he eliminate an insurance business. This then allowed Mr. Schmitz to conduct a locksmith business and a real estate business as home occupations. Mr. Schmitz does still claim to have a permit for a locksmith business and real estate business although the listing of home occupation permits for 1985-1986 does not mention them.

Mr. Schmitz proposes to use the same space for the taxi cab service that he now uses for the locksmith/real estate business. This space consists of 100 sq. ft. of a total 2,000 sq. ft. in his home. As he will be using his own car for the cab service and due to the fact that sufficient space does appear available off street, parking should not be a problem (three spaces appear available). All matters pertaining to the home occupation requirements appear to be met.

Recommendation: The Planning Commission recommended approval of a Home Occupation Permit for a one car taxi cab service subject to any other required Home Occupation Permits be brought up to date and that any delinquent permit fees be paid in full.

jt



PROPERTY IN QUESTION

PARK & SWIMMING POOL

TENNIS COURTS

PARK & PICNIC GROUNDS

TODD FIELD

FOOTBALL FIELD

THISS

TRIPPS

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FIRE STA.

POLICE DEPT.

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SIGNAL

HERNDON

VERMILLION

WEST PINE

11TH

12TH

13TH

14TH

15TH

1ST

MAPLE

WALNUT

ST. PINE

ST. PINE

ST. PINE

ST. PINE

ST. PINE

FOREST

CASHLAND

SPRING

EDDY

THISS

TRIPPS

1ST

1ST

1ST

SEVEN

EIGHT

TEN

ELEVENTH

12TH

1ST

THOMAS

VILLAS

11TH

1ST

1ST

CITY OF HASTINGS, MINNESOTA
APPLICATION FOR HOME OCCUPATION PERMIT

APPLICANT Robert Schmitz PHONE 437-9368

ADDRESS 803 Oak St Hastings

Do you own this property? yes If not, give name and address of owner _____

(Written permission by owner must be attached)

Legal Description of property for which permit is requested _____

Present Zoning Classification R2

Describe in detail the Home Occupation under this Permit I would like to have a taxess service at my home

How many cars park at your home each week as a result of your Home Occupation? 1

What is the average length of time each car is parked? 20 Minutes _____ Hours

Do you provide any Off Street Parking other than your driveway? No

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

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

No. of square feet in your home 2000 No. of square feet used in H.O. 100

For how long a period of time do you intend to continue this Home Occupation as applied for under this application? I do not know

How long have you been carrying on this business? never

Signature of Applicant Robert J Schmitz

Date 22 Jan. 1986

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

Approved by City Council on _____

FEE RECEIVED: Date _____ By _____

Bob Schmitz
803 Oak St

To the City of Hastings

I would like to start a taxi service in Hastings with one taxi. I will park my taxi at my home at 803 Oak St. I will charge 95¢ to get in the taxi, and \$1.10 a mile. I will keep a log on the speedometer in place of a meter. I will run my taxi from 5 P.M. until 2 A.M. every day except Sun and holidays. I will run my taxi to the airport every day from 10 A.M. to 4 P.M.

I will have a machine to answer my phone when I am not there. I hope to have a car phone before long if my business goes O.K.

I will have 300000. insurance on the taxi

I will use my 1978 Ford for my taxi

MEMO

DATE: 1-31-86

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: PLANNING COMMISSION VACANCY

The City Planning Commission interviewed two prospective applicants and reviewed the application of a third person on January 27, 1986. The three applicants considered were Susan Dredge, Michael Hrinyak, and William Wendler (Wendler was unable to attend the interview).

After the interviews were conducted, the Planning Commission voted to recommend to the City Council that Susan Dredge be appointed by the City Council to fill the vacancy on the Planning Commission. Attached is Mrs. Dredge's application.

jt

CITY OF HASTINGS
APPLICATION FOR COMMISSION APPOINTMENT

DATE: 12-23-85

NAME OF COMMISSION YOU ARE APPLYING FOR:

PLANNING

NAME SUSAN D. DREDGE

ADDRESS 216 W. 12, HASTINGS, MN

PHONE NO. (HOME) 437-8247 (WORK) NONE

Signature Susan D. Dredge

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

EMPLOYMENT DATE

Place of Employment _____

Position held _____

Brief statement of position content _____

EDUCATIONAL DATA

High School Attended PONCA CITY, OKLA Year Graduated 1970

College or University attended UW-RIVER FALLS Year Graduated 1983

Major PSYCH / SOCIOLOGY Degree BS

Technical, Vocational or Trade School attended CDC INSTITUTE

Course of study COMPUTER OPERATIONS

Post Graduate School _____

Major _____ Degree CERTIFICATE 1971

Other (Enter data not covered above) _____

RESIDENCY/FAMILY DATE

Number of years Hastings resident 29

Spouse's Name H. PATRICK DREDGE

Number of Children 1

MILITARY EXPERIENCE

Branch of Service NONE

Period: From _____ TO _____

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

Why do you wish to serve on this Commission?

As a long time resident of Hastings I would like to actively participate in its planned growth. Also, I feel that this opportunity would provide a good learning experience for me in city government.

Other Remarks 2 years on the Historical Commission of Hastings

ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING CHAPTER 3 AS IT RELATES TO LIABILITY INSURANCE REQUIREMENTS FOR BEER, WINE AND LIQUOR LICENSEES

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

1. Hastings City Code Section 3.10, Subd. 3. (A.) is hereby amended to read as follows:

A. Every person desiring an off-sale or an on-sale beer license shall file with the Clerk a written and verified application in the form prescribed by the Liquor Commissioner and with such information as may be required thereon. All applicants for such licenses shall comply with the liability insurance requirements of Minnesota Statutes Chapter 340, now in effect and as may be amended from time to time. All liability insurance policies required herein shall provide that no cancellation of the policy for any cause can be made either by the insured or the insurance company without first giving ten days written notice to the City, addressed to the City Clerk, of the intention to cancel the insurance policy. Beer sales by a licensee without insurance as may be required herein shall be grounds for immediate revocation of the license.

All other paragraphs of existing Hastings City Code Section 3.10, Subd. 3 shall be relettered consecutively.

2. Hastings City Code Section 3.20, Subd. 3. (G.) is hereby amended to read as follows:

G. Application. Every person desiring a license shall file with the Clerk a written and verified application in the form prescribed by the Liquor Commissioner and with such information as may be required thereon. An off-sale application shall be accompanied with a corporate surety bond or a liability insurance policy in lieu thereof, or cash or United States government bonds in a sum of not less than \$1,000.00, which bond or policy must be approved by the Council, and an on-sale application shall be accompanied by such security, so approved, in the sum of at least \$3,000.00. Before any off-sale or on-sale license shall be granted herein, each applicant

shall comply with the liability insurance requirements of Minnesota Statutes Chapter 340, now in effect and as may be amended from time to time. All liability insurance policies required herein shall provide that no cancellation of the policy for any cause, can be made either by the insured or by the insurance company without first giving ten days written notice to the City, addressed to the City Clerk, of the intention to cancel the policy. Liquor sales by a licensee without liability insurance coverage as may be required herein shall be grounds for immediate revocation of the license.

3. Hastings City Code Section 3.40, Subd. 1 is hereby amended to read as follows:

Subd. 1. On-Sale Wine License Required. It is unlawful for any person other than a person holding a wine license or liquor license to sell, keep or offer for on-sale any wine for consumption on the licensed premises. A wine licensee or liquor licensee may offer for sale wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

4. Hastings City Code Section 3.40, Subd. 4 shall be amended to read as follows:

Subd. 4. An applicant for an on-sale and off-sale wine license shall follow the application procedures required by the Liquor Control Commissioner of the State of Minnesota and Chapter 3 of the City Code, as well as complying with the liability insurance requirements of Minnesota Statutes Chapter 340, now in effect and as may be amended from time to time.

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

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

This Ordinance shall be effective upon passage and seven days after

publication.

By LuAnn Stoffel, Mayor

ATTEST:

Gary E. Brown, City Administrator/Clerk



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

January 30, 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

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

Re: Proposed Blasting Ordinance

Dear Mayor and City Council Members:

At the last Council Meeting, the City Council instructed staff to add a bond provision to the proposed Blasting Ordinance. As we understand, the purpose of this bond requirement would be to ensure that any property owners who suffered damages as a result of the blasting would have some recourse.

We checked with the Gegen Insurance Agency as to what type of bond would serve the purpose in this situation. After they had checked with their bonding companies, we were informed that there is no bond available for this type of coverage. It was suggested that instead of requiring a bond the City require proof of insurance for any bodily injury or property damage which may occur as a result of the blasting. The existence of this insurance would provide affected property owners with some recourse for their damages.

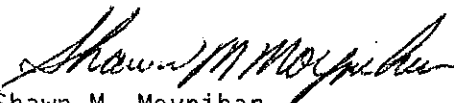
Another option is to require the blaster to provide a cash escrow to the City so that if property owners suffer damages they can apply to the City for reimbursement. This option, however, would be very difficult to administer by the City. Each time a claim was made the City would have to decide if the blasting actually caused the damages claimed by the owner. The City would become a claims adjuster as well as a judge for each claim. In the event the City were to deny an owner's claim, it is conceivable that the owner would sue the City for the release of the funds. Likewise, improper pay out of the blaster's funds could expose to the City to a claim by the blaster as well. Because of the potential exposure and the unworkable situation this option poses, we recommend that the City not adopt it.

Because of the unavailability of a bond and the impracticality of the cash escrow option, we have added an insurance requirement, as Paragraph J, in the proposed Ordinance. Additionally, we have added Paragraph K which provides that these requirements by the City are in

addition to those requirements imposed by state law. The amounts of insurance required by this proposed draft were arrived at after discussion with City staff. The City Council can either raise or lower these amounts if it would like to.

Very truly yours,

CITY OF HASTINGS, by


Shawn M. Moynihan
Assistant City Attorney

SMM/bap

Enclosure

Require slot

ORDINANCE NO. 193, Second Series

AN ORDINANCE OF THE CITY OF HASTINGS ESTABLISHING REGULATIONS FOR THE USE OF EXPLOSIVES WITHIN CITY LIMITS.

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

The following regulations shall apply for the use of all explosives within the City limits of the City of Hastings:

A. All explosives shall be handled by a person experienced in the handling of explosives or by employees under his direct supervision who are at least 18 years old.

B. While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open flames or other fire or flame producing devices. No person shall handle explosives while in the possession of or under the influence of intoxicating liquor or narcotics.

C. Original containers or authorized containers shall be used for taking detonators and other explosives from storage magazines to the blasting area.

D. When the blasting is to be done in a congested area or in close proximity to a structure, railway, highway or other installation that may be damaged, before blasting the area to be blasted shall be covered with a mat capable of preventing fragments from being thrown from the blasting site.

E. Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable safety precaution including, but not limited to, warning signals, flags, barricades or woven wire mats to insure the safety of the general public and workers in the blasting area.

F. Immediately upon receiving the necessary permit as required by State law, the applicant shall notify by certified mail, all residents in the area which will be affected by the blasting. This notice shall inform those residents of the applicant's intention to conduct blasting within the area and if known to inform the residents of the approximate time and date such blasting is to be conducted. No later than three days prior to the actual blasting, the applicant shall notify, in writing, all residents in the affected area of the exact day and time such blasting is to occur.

G. All blasting permitted under this Section shall be conducted during daylight hours except as may be specifically authorized by the City.

H. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph and steam utilities, the blaster shall notify the police department and appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

I. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

1. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.
2. The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operation.
3. Compliance with the latest recommendations of the Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters and power lines.

J. Prior to issuing any permit required by Minnesota Statutes Chapter 299F, the applicant shall provide to the Chief of Police a Certificate of Insurance for the minimum amounts of \$250,000.00 for bodily injury to a single person, \$500,000.00 for bodily injury to multiple persons and \$500,000.00 for any property damage. This Certificate of Insurance shall name the City of Hastings as an additional insured and further provide that the policy cannot be canceled without giving ten days prior written notice to the City.

K. The provisions of these regulations shall be in addition to any requirements imposed by state law.

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 3rd day of February, 1986.


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

By LuAnn Stoffel, Mayor

ATTEST:

Gary E. Brown, City Administrator/Clerk

MEMO

TO: Mayor and City Council
FROM: Gary E. Brown 
SUBJECT: Ordinance Relating to Public Hearings
DATE: January 30, 1986

We believe that the suggestions of Mr. Nesbitt are very good and that the City Council should adopt a resolution approving points A and B. We see no reason for the City Council to adopt an ordinance which regulates itself. In all similar cases the City Council either adopts policies or adopts resolutions which sets forth policy. Attached is a memo and a sample of recent public hearing notices that were prepared by the Planning Department.

ces

Attachments

ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS ESTABLISHING
CRITERIA FOR NOTICES OF PUBLIC HEARINGS

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

Hastings City Code is hereby amended to add the following provision:

All notices of public hearings shall include, but not be limited to, the following:

(a) The legal description of the property or facility involved, together with a description of the location or subject under consideration which may be easily understood, located or identified by any lay person, non-technical or non-professional individual.

(b) Official notice of all public hearings shall provide information as to the time, date and place where any citizen may, prior to the date of the public hearing, examine the exhibits and documents pertaining thereto and request copies thereof at his or her expense. All such documents, support materials and exhibits must be available for examination by any citizen at least ten days in advance of the public hearing. No major changes or alterations in the documents, support materials or exhibits to be presented at the public hearing shall be permitted within ten days before the public hearing.

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

MEMO

DATE: 1-31-86

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER

RE: CURRENT FORMAT USED FOR GIVING NOTICES OF PUBLIC HEARINGS

Attached are two examples of hearing notices which were drafted and used for a recent rezoning/preliminary plat request. The first example is a copy of the public hearing notice which was published in the newspaper. The second example is a copy of the public hearing notice for the same project which was sent to those property owners located adjacent to the property in question. You will note that the second example (which is sent directly to the property owners) provides a more detailed summary of the nature and content of the item to be discussed at the hearing.

It is felt the content of hearing notices in the future (at least those which affect the City Planner) will be similar in nature to the examples given.

jt

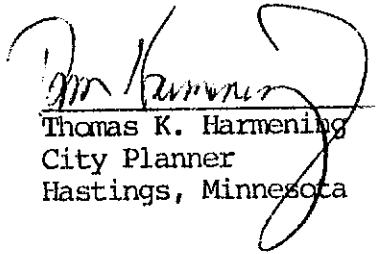
CITY OF HASTINGS
NOTICE OF PUBLIC HEARING ON REZONING AND PRELIMINARY PLAT APPROVAL

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Hastings will meet in a Public Hearing on Monday, January 27, 1986 at 7:30 p.m. in the City Council Chambers of the City Hall to consider the following:

A request from Schumacher Reality to rezone a portion of the northwest 1/4 of the northeast 1/4 of Section 29, Township 115, Range 117 (the property is generally described as being located north of Whispering Lane and 4th Street West) from Agriculture to R-3 PRD and to receive preliminary plat approval for the same said property.

All persons are welcome to attend said meeting.

BY ORDER OF THE PLANNING COMMISSION THIS 13TH DAY OF JANUARY, 1986.



Thomas K. Harmening
City Planner
Hastings, Minnesota

CITY OF HASTINGS

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



Hastings on the Mississippi

DATE: JANUARY 16, 1986

TO: ADJACENT PROPERTIES

FROM: THOMAS K. HARMENING, CITY PLANNER

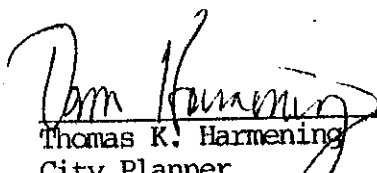
RE: PUBLIC HEARING NOTICE - REZONING/PRELIMINARY PLAT FOR WILLIAMS 1ST ADDITION.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Hastings will meet in a Public Hearing on Monday, January 27, 1986 at 7:30 p.m. in the City Council Chambers of the City Hall to consider the following:

A request from Schumacher Realty to rezone a portion of the northwest 1/4 of the northeast 1/4 of Section 29, Township 115, Range 117 (the property is generally described as being located north of Whispering Lane and 4th Street West) from Agriculture to R-3 PRD and to request preliminary plat approval for the same said property.

All persons are welcome to attend this meeting.

BY ORDER OF THE PLANNING COMMISSION THIS 13TH DAY OF JANUARY, 1986.


Thomas K. Harmening
City Planner
Hastings, Minnesota

Outlined above is a Public Hearing notice regarding a request which has been made by Schumacher Realty to rezone approximately 31 acres described as the northwest 1/4 of the northeast 1/4 of Section 29, Twp 115, Range 117 (generally located to the north of the Whispering Lane and 4th Street West intersection) from Agriculture to R-3 PRD and a request for preliminary plat approval for a development on the same said property. The development proposed, a drawing of which is on file at the Hastings City Hall, is essentially a mixed use residential concept consisting of 177 total units which are made up in the following manner: 23 single family units, 16 duplexes, 18 townhomes, 120 apartments. Also included in the development is an area designated for a proposed church as well as park land dedication. If there should be any questions on this matter please feel free to call or stop in at City Hall.

Committee Members appointed each year at a regular meeting in Jan.

CITY COUNCIL COMMITTEES

EFFECTIVE JANUARY 21, 1986

ADMINISTRATIVE

Tom Nesbitt, Chairman
Tom Berg, Vice-Chairman
Richard Mathiowetz
Richard Bond
Theola Plan

OPERATIONS

Richard Mathiowetz, Chairman
Theola Plan, Vice-Chairman
Michael Werner
Robert Kulzer
Fred Trautmann

PLANNING

Fred Trautmann, Chairman
Robert Kulzer, Vice-Chairman
Tom Nesbitt
Richard Bond
Tom Berg

PUBLIC SAFETY

Michael Werner, Chairman
Richard Bond, Vice-Chairman
Theola Plan
Richard Mathiowetz
Robert Kulzer

COMMUNITY ED. SPECIAL CITIZENS COMMITTEE

Theola Plan

SCHOOL REPRESENTATIVES

Fred Trautmann
Richard Bond
Robert Kulzer (Alternate)

JOINT PLANNING BOARD

Tom Nesbitt

ACTING MAYOR

CIVIL DEFENSE DIRECTOR

Daryl Plath

HUMAN RELATIONS LIAISON

Mayor
Council
City Attorney

YOUTH COUNCIL LIAISON

Robert Kulzer

VI-B-5



HASTINGS FIRE DEPARTMENT



DONALD C. LATCH, CHIEF
115 West 5th Street
Hastings, Minnesota 55033

Business Office (612) 437-5610

TO: Mayor Stoffel
City Council Members

FROM: D.C. Latch - Fire Chief

SUBJECT: Washington County EMS Agreement

DATE: January 24, 1986

Attached is the annual agreement between Washington County and the City of Hastings. You may recall that this agreement is necessary to receive the Washington County Community Health Services subsidy dollars for providing ambulance service to Washington County.

It is recommended that the City Council authorize execution of this agreement. The agreement would terminate on December 31, 1986.

DCL:lh
Attachment

This agreement made this 1st day of January, 1986, between the County of Washington, State of Minnesota (hereinafter referred to as County), and Hastings Fire Ambulance (hereinafter referred to as Contractor).

Whereas, the Contractor in this agreement is a provider of emergency medical services who believes that a high degree of professionalism in the provision of emergency medical care can be achieved by a joint and cooperative effort in the study, evaluation, planning, and coordination of emergency medical services; and

Whereas, the Washington County Board of Commissioners provided for the establishment of a Washington County Emergency Medical Services Council for the purpose of evaluating for and recommending to the members of the Community Health Services Advisory Committee and the County Board the measures best suited to achieve such cooperation and professionalism in the provision of prehospital emergency medical service; and

Whereas, the Washington County Board of Commissioners will provide monetary support to the Contractor for the provision of emergency medical services in the amount of \$230.75 per calendar quarter (total amount for 1986 \$923.00);

Now, therefore, in consideration of the covenants and agreements herein contained, the undersigned parties hereby agree as follows:

- 1) The Contractor agrees that he shall submit to the County the name of his appointed delegate and his designated alternate at the time of signing this contract. Organizational representatives who miss a total of two (2) unexcused regular meetings during the year will be deemed to be inactive with the Council and will be removed from the mailing list. The provider organization will be notified of such action and will have an opportunity to appoint a replacement member as provided for in the EMS Council by-laws.
- 2) The Contractor, in consideration of monetary support received from the County, agrees to respond to requests for Emergency Medical Services at the request of the Washington County Sheriff's department, provided that such requests are within said Contractor's primary service area.

The Contractor further, in consideration of monetary support received from the County, agrees to respond to requests for Emergency Medical Services at the request of the Washington County Sheriff's department outside of its primary service area in accordance with current mutual aid agreements and the Minnesota State Ambulance License Laws.

The Contractor, in any event, may make every reasonable effort to collect emergency medical service fees for such response from responsible parties other than Washington County.

- 3) The Contractor, in consideration of monetary support received from the County, agrees to submit to the County such data as may be required by the County to determine level and quality of service delivered to County residents, detailed expenditures of County funds, and such data as may be required for the County to meet statutory requirements under State Law Minn. Stat. Section 145.911 - 145.922 (Community Health Services) and to meet Minn. R. ch. 4700. (Rules relating to the awarding of grants and subsidies for community health services and establishing standards under the Community Health Services Act). The Contractor agrees to follow the requirements of the attached data reporting policy which is incorporated into and made a part of this agreement.
- 4) The Contractor agrees to maintain insurance coverage for personal injury and property damage with limits of at least \$200,000 - \$600,000 bodily injury and \$100,000 property damage. A certificate of insurance will accompany this signed document.
- 5) The County agrees that it shall make available to the Contractor the services of the EMS Council for the purpose of evaluating the operations of the Contractor and shall assist him in providing a high degree of professionalism in his endeavors to provide emergency medical services.
- 6) The County agrees that during 1986 it shall supply data processing emergency medical operational data based upon monthly data reports by the Contractor.
- 7) The terms of this agreement shall be from the date hereof through December 31, 1986. This contract may be cancelled by either party by providing sixty (60) days' written notice to the other.

- 8) This agreement shall take effect when signed by the Chairman of the Washington County Board.
- 9) Washington County does not discriminate on the basis of race, color, national origin, sex, religion, age and handicapped status in employment or the provision of services and the Contractor agrees to abide by all Federal, State and County rules, regulations and policies prohibiting discrimination and promoting equal employment opportunity and affirmative action. The Contractor agrees to abide by this County policy and by all applicable Federal and State laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, religion, age and handicapped status.
- 10) It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of partners between the parties hereto, or as constituting the Contractor as the agent, representative, or employee of the County for any purpose or in any manner whatsoever. The Contractor is and shall remain an independent contractor with respect to all services performed under this agreement.
- 11) All books, records, documents, and accounting procedures and practices of the contractor relevant to the contract are subject to examination by the contracting agency, and either the legislative auditor or the state auditor as appropriate.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed.

WASHINGTON COUNTY

Approved as to form:

assist. Margaret White Kees
Washington County Attorney

By _____
Sally Evert, Chairman
Washington County
Board of Commissioners

Date of Board Action

By _____
Charles Swanson
County Administrator

Recommend for Approval

Mary Luth
Public Health Director

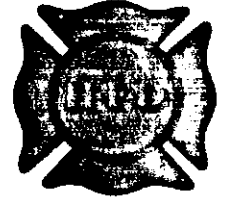
By _____

Date of Signature

VI- B - 8



HASTINGS FIRE DEPARTMENT



DONALD C. LATCH, CHIEF
115 West 5th Street
Hastings, Minnesota 55033

Business Office (612) 437-5610


TO: Gary Brown - City Administrator
FROM: D.C. Latch - Fire Chief
SUBJECT: Advertisement For Bids For Assistant Chief's Car
DATE: January 22, 1986

As you are aware, the approved 1986 Fire Department budget includes the replacement of the 1977 Chevrolet station wagon used by Assistant Chief Rosendahl.

A trade-in is listed, however, the Council may wish to look into this further. It may be more financially advisable to hold a separate bid and sale on this vehicle.

I am requesting approval to advertise for bids for this vehicle.

Proposed bid opening: February 28 at 10:00 A.M.
Proposed bid award: March 3 at 7:30 P.M.


DCL:lh

CITY OF HASTINGS

FIRE DEPARTMENT SPECIFICATIONS

FOR

1986 FRONT WHEEL DRIVE STATION WAGON

Chassis: This unit shall be the latest current 1986 production model meeting the terms of this specification, and shall meet all Federal safety standards. All equipment advertised as "standard" on a particular model shall be furnished whether or not specifically called for herein except where conflicting equipment or optional over standard is specified.

Bid Opening: February 28, 1986 at 10:00 A.M.

Bid Awarded: March 3, 1986 at 7:30 P.M.

Body Type: Front wheel drive 6 passenger station wagon

Engine: Not less than 2.8 liter V-6

Transmission: Automatic

Suspension: Heavy duty

Radiator: Heavy duty

Alternator: Heavy duty

Battery: Heavy duty

Tires: All season radials

Wheelbase: Not less than 104.8"

Color: Manufacturer standard white

Delivery Date: Within 90 calendar days of award of bid.

Accessory Equipment:

1. Jack, tools, warranty and operator's manual.
2. Dash mounted voltmeter.
3. Backup lights.
4. Intermittent windshield wipers, dual electric, with washer (2 speed).
5. Two (2) outside mirrors, remote controlled.

6. Thermostat and permanent anti-freeze to protect from freezing to at least -30 F.
7. Power Steering.
8. Power brakes.
9. Disc brakes on front.
10. Cigarette lighter.
11. Engine frost plug heater, not less than 600 watt.
12. Day/night inside rearview mirror.
13. State approved tinted safety glass shall be furnished in all windows and windshields.
14. Fold down back seat.
15. Air conditioning.
16. AM Radio.
17. Power tailgate release.
18. Tilt steering wheel.
19. Rear window defogger.
20. Rustproofing.
- ~~21. Bug deflector mounted.~~
22. Rear window wiper/washer.

Trade-in:

1 - 1977 Chevrolet Malibu Station Wagon

Trade-in vehicle can be viewed at Fire Department, 115 West 5th Street, Hastings.

Service & Warranty:

The vendor shall furnish a standard Manufacturer's Service Policy and shall pay and costs of inspection and adjustment that may be necessary, as provided by said Service Policy. If the work be done by any regular authorized manufacturer's dealers in Minnesota, such costs shall be paid by the vendor directly to such authorized dealer.

Service & Warranty (con't.):

Vendor and manufacturer also agree to furnish and install without cost to the City of Hastings, all parts replacement costs, parts and assemblies which fail in normal service during the warranty period. Replacement of defective parts and assemblies shall be made immediately and any delay shall not be considered as part of the warranty period.

All warranties must be included in writing with this bid.

All bids must be accompanied by a certified check, cash or bidder's bond in an amount not less than 5% of the total amount of the bid surety to be forfeited if the bidder is awarded a contract and fails to fulfill same.

Award of contract by City of Hastings will be based on, but not limited to, the factors of price, delivery date, parts and service facilities, analysis and comparison of specifications, and past experiences of the City with similar or related equipment.

The City Council reserves the right to reject any or all bids.

Purchases by the City are not subject to any Federal or State Tax.

Form No. 100 must be completed and included with all proposals.

Gary E. Brown
City Administrator/Clerk

CITY OF HASTINGS

OFFICE OF THE CLERK

HASTINGS, MINNESOTA 55033

USE THIS FORM WHEN BIDDING

(No Other Form or Letter Will Be Accepted)

TO: /
The City Council of Hastings
Hastings, Minnesota

BIDDING COMPANY _____

Address _____

BID OPENING DATE _____

BID ITEM _____

For (City Department) _____

BID PRICE _____

LESS:TRADE IN _____

NET BID _____

DELIVERY DATE _____

If you have any comments or additional information you wish to include with your bid, please type in this space:

Authorized signature of bidder

MEMO

TO: Mayor & City Council
FROM: Natural Resources and Recreation Commission
SUBJECT: Park Systems Plan Update
DATE: January 29, 1986

The Natural Resources and Recreation Commission interviewed three consulting firms for the purpose of updating the 1975 Park Systems Plan. The firms' prices ranked from \$5,000 to \$10,000 to perform this task. It was the unanimous decision of the NRRC to recommend to the Council to authorize the City Clerk and the Mayor to enter into an agreement with Loucks and Associates to perform this service.

ces

MEMO

TO: Mayor and Council
FROM: Barb Thompson
DATE: January 30, 1986

Barb

SUBJECT: Approve Safekeeping Agents.

At the last Council meeting January 20th, you approved the depositories on the collateral we are holding.

In the 1985 Minnesota Statutes we are now required to also have approval by you of the safekeeping agents who are holding the collateral. I have listed below the agents who are holding the collateral as of January 1, 1986.

Federal Reserve Bank (Marquette)

Federal Note	Due 11-15-86	1,380,000
Federal Note	Due 5-15-87	1,100,000
Federal Note	Due 3-31-87	780,000

First National Bank Minneapolis (First National-Hastings)

School Bond	Due 2-1-87	40,000
Hospital Bond	Due 2-1-88	50,000
G.O. Bond	Due 2-1-89	50,000
Public Imp. Bond	Due 9-15-91	50,000
G.O. Imp. Bond	Due 2-1-92	50,000

Norwest Bank Minneapolis (Norwest Bank-Hastings)

Dakota County Bond	Due 4-1-86	75,000
U.S. Treasury Note	Due 11-15-86	15,000
U.S. Treasury Note	Due 10-31-87	1,000,000
Water Bond	Due 7-1-90	95,000

Bank of America (Juran & Moody)

Franklin U.S. Securities Fund	Open	500,000
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ADDITIONAL END OF YEAR1985 TRANSFERS

Transfer to the I. B. 1973 Sinking Fund
 Transfer \$26,744.99 to the I. B. 1973 Sinking Fund from Debt Redemption to close the account as the bond issue is paid off. We will receiving money from Green Acres as land is sold and this will go back into the Debt Redemption Fund.

Transfer \$13,445.90 to the 10th Street Turnback Construction Fund to close the account from the Debt Redemption Fund.

Transfer the balance of \$187,816.71 of the 1984 Construction Fund to the I. B. 1984 Sinking Fund as the construction work is completed.

Transfer \$11,925.85 from the 1984B Construction Fund (Ramsey/Tyler project) to the I. B. 1984B Sinking Fund as the construction work is completed.

BUDGET TRANSFERS

In the 1985 Budget money was put in the Contingency Fund for adjustments in payroll, PERA, Social Security and insurance that had not been determined at budget time. This is a request for approval to make the following transfers as shown:

\$ 40,243.00 Decrease the Contingency Fund Budget figure by this amount and increase the following fund budgets:

Police	\$ 14,635
Fire	5,783
Parks	43
Arena	4,144
Street	5,673
Building	4,892
Finance	2,646
Engineering	2,427

MEMO

TO: Mayor and Council
FROM: Dianne R. Latuff
DATE: January 30, 1986
SUBJECT: Forms for the Sale or Transfer of the Cable Franchise.

The sale or transfer request of the cable franchise is expected to be made in the very near future. In anticipation of this request we have met with the City's Cable Attorney and discussed the process and procedures to be followed, as well as worked with them in drafting the application for the transfer. Every attempt has been made to make the application thorough so it would address the concerns of the City Council, Cable Commission and City Staff.

The Cable Commission meets Tuesday, February 4, 1986 and at that meeting they too will be discussing the application for the transfer. Time did not allow them to meet prior to the Council meeting for a recommendation.

Recommendation:

It is staff's recommendation that the application for the Transfer be approved by the City Council subject to the Cable Commissions review and approval.

cl

HERBST & THUE, LTD.

ATTORNEYS AT LAW

2030 NORTHWESTERN FINANCIAL CENTER
7900 XERXES AVENUE SOUTH

BLOOMINGTON, MINNESOTA 55431-1178

TELEPHONE
(612) 835-2434ADRIAN E. HERBST
DANIEL D. THUE
GARY R. MATZ
JOHN F. GIBBS
TOM TOGAS
DIANE M. SCHMIDT
JOHN M. STANOCH

January 28, 1986

Dianne Latuff
Administrative Assistant
City of Hastings
100 Sibley Street
Hastings, Minnesota 55033RE: Our File Number 81-0025G

Dear Dianne:

Enclosed herewith please find the cable television transfer documents that we reviewed today. I have made certain revisions based upon our discussions today. Those revisions and certain miscellaneous items are addressed below:

1. Please note that on page 2, paragraph 2, there is a reference to the Ordinance being attached. I would recommend that when the forms are provided to TDS that a copy of the Ordinance be attached. This will assure that the applicant has a copy of the Ordinance and the opportunity to review the document prior to submitting the application;
2. The City should determine the number of applications that it deems necessary. For example, I assume that copies of the Application will be provided to the Council, Commission and City staff. I would be more than happy to discuss with you the number of copies that will be necessary;
3. I have added a paragraph at the bottom of page 2 setting forth the requirement that any documents or filings submitted to a state or federal agency also be submitted to the City. I believe this is consistent with our discussions today;
4. I have revised Question 7 on page 13 to refer to the balance of the franchise term. Similar changes are also made on page 14 in Questions 8 and 9; and

HERBST & THUE, LTD.

Dianne Latuff
Page Two
January 28, 1986

5. I have added a Question 7 on page 20 addressing the System Financial Goals. In essence, we are inquiring as to whether the System now serving Hastings meets the applicant's financial goals and, if not, the applicant is requested to detail how the financial performance of the System will be improved. This would include a discussion of any operating assumptions. I believe this too is consistent with our discussions today.

Should you have any questions regarding the enclosed documents or the process, please do not ever hesitate to contact me.

Very truly yours,



Gary R. Matz

GRM:rml
Enclosures

HERBST & THUE, LTD.

ATTORNEYS AT LAW

2030 NORTHWESTERN FINANCIAL CENTER

7900 XERXES AVENUE SOUTH

BLOOMINGTON, MINNESOTA 55431-1178

TELEPHONE
(612) 835-2434

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

January 28, 1986

Dianne Latuff
Administrative Assistant
City of Hastings
100 Sibley Street
Hastings, Minnesota 55033

RE: Our File Number 81-0025G

Dear Dianne:

Pursuant to our conversations, I have set forth below a summary of the transfer process required under the Hastings cable television franchise ordinance for the sale or transfer of the Franchise. This process is almost identical to the same process required under Minnesota law. Any differences will be noted below.

1. The parties to the sale or transfer must make a written request to the City for its approval of such a sale or transfer. Please note that it is contemplated both TDS and the transferee will join in the request and the request must be in writing;
2. The City must reply in writing within thirty (30) days of the request. At this stage, the City may either approve the request or make a determination that a public hearing is necessary due to a potential adverse effect on the subscribers. Note that the City does not, at this stage, have the option of denying the request;
3. If a public hearing is deemed necessary the hearing must be conducted within thirty (30) days of such a determination. Notice of any such hearing must be given fourteen (14) days prior to the hearing by publishing notice thereof once in a newspaper of general circulation. The notice must contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the City;
4. Within thirty (30) days after the public hearing, the City shall approve or deny in writing the sale or transfer request. Under Minnesota law the City may not unreasonably withhold approval;

HERBST & THUE, LTD.

Dianne Latuff
Page Two
January 28, 1986

5. The Ordinance also requires the City to notify the Minnesota Cable Communications Board of any transfer of any interest in the System. The notification must also include a written certification by the transferee that it meets all of the requirements with respect to technical ability and financial stability demanded of TDS. As you know, the Minnesota Communications Board is no longer in existence but, at the same time, I would recommend that we continue to receive this certification from the transferee. Please note that certification language is set forth on page 4 of the application forms;
6. Within sixty (60) days after the approval of any transfer TDS must file with the City a copy of the deed, agreement, mortgage, lease or other written instrument evidencing the sale or transfer. The document shall be certified and sworn to as correct by TDS;
7. In reviewing a request for approval of any sale or transfer, the City may inquire into the qualifications of the transferee. The Ordinance states that TDS shall assist the City in so inquiring. The City may condition the transfer upon such terms and conditions as the City deems reasonably appropriate. Please note that the application forms are designed to solicit from the transferee its qualifications to own and operate the cable television system in Hastings;
8. The Ordinance requires that the transferee become a signator to this Franchise. In other words, unless changes are negotiated in the Ordinance the transferee must assume all the terms and conditions of the present Ordinance;
9. If the City approves the transfer the City and the transferee must submit documentation to the Commissioner of Commerce certifying that the franchise and the process followed conform to Minnesota law. This is a routine process and is typically satisfied by a letter to the Commissioner of Commerce; and
10. The City, pursuant to Section 12.01 of the Ordinance is entitled to a first right of refusal of any bona fide offer to purchase the system. In the event the City should elect to exercise this right, the price shall be the current market value or the bona fide offer, whichever is less. The City has ninety (90) days from receipt of the request from TDS and the transferee to make this election.

HERBST & THUE, LTD.

Dianne Latuff
Page Three
January 28, 1986

I have attached to this memorandum a brief chart showing the schedule of events contemplated by the transfer process.

Finally, I have enclosed some application forms to be used to solicit information regarding the legal, technical and financial qualifications of the transferee. If these forms meet with the City's approval I would recommend that they be finalized and presented to TDS with a request that the completed forms accompany the request for approval of the sale.

Should you have any questions or if you would like me to present to respond to any questions of the Commission or Council, please do not hesitate to contact me.

Very truly yours,



Gary R. Matz

GRM:rml
Enclosure

APPLICATION FOR THE
TRANSFER OF
A CABLE COMMUNICATIONS FRANCHISE
FOR THE CITY OF
HASTINGS, MINNESOTA

At the time of awarding the cable communications franchise, the City of Hastings considered and approved the technical ability, financial condition and legal qualifications of Hastings Cable TV Company, Inc. These same qualifications will be considered and reviewed as a part of any transfer request.

The applicant for the transfer is requested to use the following forms in order to inform the City of the applicant's legal, technical and financial qualifications. In addition to the qualifications, the applicant is requested to identify any and all changes proposed to the cable communications system now serving the City, the operation of that system or the franchise ordinance. A copy of that Ordinance is attached.

In considering a requested transfer, the City will consider and review the legal, technical and financial qualifications of the applicant together with any modifications requested by the applicant. The City will comply with any and all state or federal procedural requirements.

Please provide _____ copies of the APPLICATION FOR THE TRANSFER OF A CABLE COMMUNICATIONS FRANCHISE to the following address:

Dianne Latuff
Administrative Assistant
City of Hastings
100 Sibley Street
Hastings, Minnesota 55033

A public hearing will be scheduled to allow the applicant an opportunity to formally present its legal, technical and financial qualifications. The City requests that the following information be provided at the time any request for approval of a sale or transfer is made. The City expressly reserves the right to request additional information.

In addition to the following information, the parties to the sale or transfer are requested to submit simultaneously to the City a copy of any document or filing related to or associated with this transaction that is submitted to any federal or state agency including, but not limited to, the Federal Communications Commission and the Securities and Exchange Commission.

LEGAL QUALIFICATIONS

Identification of Applicant

Ownership Information

Ownership Qualifications

1. Identification of Applicant.

a. Applicant

Name _____

Address _____

b. Representation

This application for transfer is submitted by the undersigned who has been duly authorized to make the representations within on behalf of the applicant.

Applicant certifies that it meets all of the requirements with respect to technical ability and financial stability demanded of Hastings Cable TV Company, Inc.

Consent is hereby given to the City and its representatives to make inquiry into the legal, technical and financial qualifications by contacting any persons or organizations named herein as references, or by any other appropriate means.

Name _____

Affiant's Signature _____

Official Position _____

Date _____

Notarization

Subscribed and sworn to before me this _____ day of _____, 1986.

Notary Public

c. Principal to whom inquiries should be made

Name _____

Title _____

Address _____

Telephone _____

2. Ownership Information.

a. Organizational Structure

Corporation _____

State Incorporated _____

Partnership _____

Proprietorship _____

Other (Identify) _____

b. Identification of Owners

(1) If a corporation, state the names and addresses of all officers and directors and the number of shares held by each officer and director. Also provide identification and ownership interest for each owner of one percent (1%) or more of applicant's stock.

(2) If a partnership, provide identification and ownership interest for all general and limited partners.

(3) If a proprietorship or other entity, provide full ownership details.

c. If any owners listed in (b) above are considered local, in terms of residing or having a place of business within the City provide the following information for each such local owner:

- (1) Basis for acquiring ownership -- Indicate whether ownership was acquired at same per-share cost as other owners; and if not, whether services or other in-kind contributions are included as a basis for acquiring ownership.

- (2) Buy-out Agreement -- Indicate whether a buy-out agreement exists, whether written or verbal, giving other stockholders or the organization itself the right to acquire the interest of local stockholders in the future. If such an agreement does exist, describe its terms and conditions or attach a copy.

- (3) Ownership in Other Communications Media -- Indicate whether any local owners hold ownership to other mass communications media (defined as television stations, common carrier or television network) in the City.

d. Local Representation.

Identify all non-employees that may represent the applicant in these transfer proceedings, including attorneys, agents, lobbyists, etc.

e. Multiple Systems Operator

If the applicant is a subsidiary, will its parent corporation guarantee the obligations and performance under this franchise?

3. Ownership Qualifications.

Does the applicant, or any person or business entity having any interest* in applicant, directly or indirectly own, operate, control,** or have an interest in any of the following?

- | | <u>Col. A</u> | <u>Col. B</u> |
|---|---------------|---------------|
| a. A national broadcast television network (such as ABC, CBS, or NBC);
or | () yes | () no |
| b. A television broadcast station whose predicted Grade B contour, computed in accordance with Section 73.684 of the FCC's rules, overlaps in whole or in part of the proposed service area or an application for license to operate such a station; or | () yes | () no |
| c. A telephone company whose service area includes the community. | () yes | () no |

If response to any of the above was yes, state the following information:

Item ___ Name of applicant, person or entity _____

Nature and percentage of ownership or interest

Company in which interest is held _____

Item ___ Name of applicant, person or entity _____

Nature and percentage of ownership or interest

Company in which interest is held _____

*"Interest" includes officers, directors, and shareholders owning 1% or more of the company's outstanding voting stock.

**The word "control" as used is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

TECHNICAL QUALIFICATIONS

Current Franchises
Criminal Proceedings
Civil Proceedings
Business Licenses
Cable Franchise Violations
Franchising Authority Litigation
Changes to the System
Changes in the Operation of the System
Changes in the Franchise

1. Current Franchises.

Municipality	Date Franchise Awarded (indicate with * if this is a Renewal or Extension)	Number of Current Subscribers	System Channel Capacity	Current Basic Rates	Municipal Contact Person & Phone

2. Criminal Proceedings. Has the applicant (including parent corporation) or any principal* ever been convicted in a criminal proceeding (felonies or misdemeanors) in which any of the following offenses were charged?

	YES	NO
a. Fraud, bribery, extortion or embezzlement	_____	_____
b. Tax evasion	_____	_____
c. Perjury, jury tampering, obstruction of justice, or other misconduct affecting public or judicial officers' performance of their public duties	_____	_____
d. False, misleading or deceptive advertising	_____	_____
e. Anti-trust violations, state or federal	_____	_____
f. Violations of FCC rules and regulations	_____	_____
g. Conspiracy to commit any of the foregoing offenses	_____	_____

*For purposes of this form, "principal" means any person, firm, corporation, partnership, joint venture, or other entity, who or which owns or controls one percent (1%) or more of the voting stock (or any equivalent voting interest of a partnership or joint venture) of an applicant.

Disposition of Criminal Charges. If the answer to any question above is affirmative, attach a separate statement describing disposition of each criminal charge, including the date, court, sentence, or fine.

3. Civil Proceeding. Has the applicant or any principal ever been a party to a civil proceeding in which it was held liable for any of the following or is now a party to the proceeding?

	YES	NO
a. Unfair or anticompetitive business practices	_____	_____

	YES	NO
b. Anti-trust violations (state and federal) including instances in which consent decrees were entered into	_____	_____
c. Violations of securities laws (state and federal)	_____	_____
d. False, misleading or deceptive advertising	_____	_____
e. Violations of FCC rules and regulations	_____	_____

Disposition of Civil Proceeding. If the answer to the above is affirmative, identify the civil proceeding and state the disposition of that case.

4. Business Licenses. Has the applicant or any principal ever had a business license (defined to include FCC licenses, alcoholic beverage and restaurant license, etc.) revoked, suspended or the renewal thereof denied, or is that applicant or principal a party to a proceeding that will result in the same? If so, identify the business license which has been revoked, suspended or not renewed and other relevant information regarding each such license.

5. Cable Franchise Violations. Has the applicant or any principal ever, as the result of an adjudicated proceeding, been found in violation (other than routine service complaints) of any franchise ordinance or agreement, contract or regulation governing their cable communications systems owned or operated by them in the State of Minnesota or elsewhere? If so, identify the judicial or administrative proceeding, giving the date, name of tribunal, and result or disposition of that proceeding.

6. Franchising Authority Litigation. Has the applicant or any principal ever initiated litigation against a franchising authority or has a franchising authority initiated litigation against it? If so, identify the franchising authority involved, the court or administrative agency in which that litigation was docketed, the nature of the controversy that was the source of the litigation, the disposition or result of that litigation, and any other relevant facts.

7. Changes to the System. Is the applicant proposing, or will the applicant undertake during the balance of the Franchise term, any changes in the system including, but not limited to, the following areas: programming, access, access support, equipment, institutional network, etc.

8. Changes in the Operation of the System. Is the applicant proposing, or will the applicant undertake during the balance of the Franchise term, any changes in the operation of the System including, but not limited to, the following areas: customer service practices, billing practices, personnel, etc.

9. Changes to the Franchise. Is the applicant requesting, or will the applicant request during the balance of the Franchise term, any changes to the franchise document attached hereto.

10.

FINANCIAL QUALIFICATIONS

Source of Financing

Terms of Financing

Documentation

Please describe in detail the financing plan for the acquisition of the cable communications system serving Hastings. Proof of financial qualifications shall include the following:

1. Source of financing:

- a. Equity--What is the source and amount of equity capital?*
- b. Primary Debt--What is the primary source and amount of debt?
- c. Secondary Debt--What is the secondary source and amount of debt?
- d. Name and title of officer in bank or lending institution who has authorized the financing for this acquisition.

2. Terms of financing:

- a. Amount--Primary _____ Period _____
- Amount--Secondary _____ Period _____

*If any portion of equity contribution is borrowed, describe collateral and terms of the loan.

FINANCIAL QUALIFICATIONS (continued)

- b. Under what conditions is the financing to be made available?

- c. What interest rates?

- d. What collateral is involved?

- e. Who are guarantors?

- f. Are there related agreements made in connection with financing of this acquisition?

- g. Are there any limitations on the sale of stock by individual holders in this project? Describe.

- h. Are there any buy-out or buy-back stock provisions? Describe.

FINANCIAL QUALIFICATIONS (continued)

- i. Are there any assignments or intended assignments of stock voting rights? If so, describe.

- j. Is applicant organized as an IRS Subchapter S corporation? If yes, what depreciation rate will be used for tax purposes?

3. Documentation: Supply documentation that assures applicant's financial viability, such as letters of commitment from financial institutions, which will demonstrate the availability of sufficient funds to operate and maintain the cable communications system for the City of Hastings.

If applicant is a multiple system operator, give evidence of the portion of the company's line of credit that is presently uncommitted, and will be applied to the acquisition of the System.

If applicant is a division or subsidiary of an MSO, provide the proposed debt instrument describing terms of payment.

If capital is to be raised by a parent company, provide an annual report for the parent company.

4. System Financial Information. Provide a financial statement for the cable communications system presently serving Hastings including a statement of income, revenues, operating expenses, value of plant, annual capital expenditures, depreciation with an attached depreciation schedule, interest paid, balance sheet and a statement of sources and uses of funds for the most recent fiscal year. The statement shall be prepared in accordance with generally accepted accounting principles and certified by the chief financial officer of Grantee.

5. Subsidiary Financial Information. If the cable communications system in Hastings is to be operated, managed or controlled by a subsidiary of another corporation provide an audited financial statement for the subsidiary including a statement of income, balance sheet and sources and uses of funds for the most recent fiscal year. Also include any notes necessary to the understanding of the financial statement.

6. Parent Corporation Financial Information. If the applicant for the acquisition of the Hastings cable communications system is a subsidiary of a parent corporation, or if the applicant is the parent corporation, provide an audited financial statement for the parent corporation including a statement of income, balance sheet and sources and uses of funds for the most recent fiscal year. Also include any notes necessary to the understanding of the financial statements.

7. System Financial Goals. Does the cable communications system now serving Hastings meet the applicant's financial goals.

If no, discuss in detail how the financial performance of the system will be improved. Any discussion should also set forth any operating assumptions including, but not limited to, the following: rate increases, interest rates, new sources of revenue, marketing, consolidation, etc.

SCHEDULE OF EVENTS

Day 1

City receives request for approval

Day 30

City must approve the request or schedule a public hearing.

Day 60

Deadline for conducting public hearing.

Day 90

Deadline for City to approve or deny.

MEMO

TO: Mayor and Council

FROM: Gary E. Brown 

DATE: January 30, 1986

SUBJECT: Peddlers License

Last summer, during the Acquaternial Floatilla, we experienced a problem with concessions. The City Attorney and I believe that the attached ordinance amendment will enable the City Council to restrict peddlers from selling concessions either at the Rivertown Days Festival or during the Acquaternial Floatilla without consent of those sponsoring agencies. Furthermore we believe the City Council can authorize the coordination of these activities to these two agencies during the city wide festival. Staff requests that the City Council consider a 1st reading of this ordinance and set a public hearing at the February 18 meeting for a 2nd reading.

cc: Dianne R. Latuff

cl

AN ORDINANCE AMENDING SECTION 5.40, SUBD. 6 ADDING RESTRICTIONS TO
PEDDLER'S LICENSES

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

Section 5.40, Subd. 6 shall be amended by adding the following
Paragraph C.

C. Restrictions. Any license issued under this Section shall not
be valid during City-wide festivals. During any City-wide
festival, special licenses shall be required of each peddler who
wishes to sell during that festival. Each special license issued
under this Paragraph shall be subject to any restrictions which
may be imposed by the City Council for that festival. The fee for
the special license shall be the same as for all other licenses
required by this Section.

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.

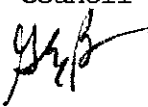
This Ordinance shall be effective upon passage and seven days after
publication.

By _____
LuAnn Stoffel, Mayor

ATTEST:

Gary E. Brown, City Administrator/Clerk

MEMO

TO: Mayor and City Council
FROM: Gary E. Brown 
SUBJECT: Ordinance Relating to Development Within the City of Hastings
DATE: January 30, 1986

The City Council has recently approved a site plan ordinance which staff believes has tightened considerably the problems we have run into in the past. Staff feels that the proposed ordinance is overly restrictive, cumbersome and ambiguous; for example, subdivision three indicates that any variation of the plans shall be submitted to the City Council and below it says minor substitutions or adjustments may be approved by the Zoning Administrator or City Engineer. Presently, the City Council is required to approve all site plans for buildings of 4-plexes or larger and all commercial construction. City staff has used discretion in the past to approve minor adjustments to those site plans. These adjustments typically come about as a result of construction problems in the field or because the developer finds that there is a more feasible way to do something.

Staff believes though, that it might be a good idea for the staff to make a determination at the time a preliminary plat is brought to the City Council as to whether or not a developer's agreement is necessary and that before the final plat is approved the development agreement would be signed by the developer and presented to the Council for approval. If changes are made in the final plat, the development agreement could be changed accordingly. We believe that this could be adopted by City Council as a policy. Subdivision five of this ordinance calls for all parcels to have City resolutions attached to the deed or appropriate document at the County Courthouse. Again, staff believes this is very excessive and that typically only larger developments would require a developer's agreement that should be recorded with the title.

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ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SUBD. 3
OF ORDINANCE NO. 188-SECOND SERIES

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

A. Ordinance No. 188-Second Series, Subd. 3 shall be amended to read as follows:

Subd. 3. The Zoning Administrator shall review said site and building plans for the purpose of determining their compliance with this ordinance and other applicable zoning ordinances. The Zoning Administrator shall forward the information to the Planning Commission for review and recommendation. After review, the City Council shall approve or deny the site or building plans. All documents and information (site plans, blueprints, designs, representations, etc.) submitted by the developer or contractor shall be marked for identification by the City Zoning Administrator and shall constitute a condition for approval given by the City Council. Any variation from those plans shall be submitted to the City Council for review and further approval prior to any construction or development. Minor substitutions or adjustments may be approved by the Zoning Administrator or, where applicable, the City Engineer. No occupancy permit or operations permit shall be issued by the City of Hastings until all conditions of approval have been fully satisfied.

B. Ordinance No. 188 shall be amended by adding the following Subd. 5:

Subd. 5. Immediately following City Council approval of an application for development or construction on any parcel within the City, City staff shall file with the Dakota County Recorder a certified copy of the City Council's resolution, together with the index required by Subd. 3. All conditions of approval imposed by the City Council shall bind the developer or contractor and their successors in interest of the affected property. All such conditions imposed by the Council shall run with the land.

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.

Information

MEMO

TO: Mayor and City Council

FROM: Gary E. Brown *GEB*

DATE: January 30, 1986

On January 17 the Hastings Natural Resources and Recreation Commission sent a memo to the Hastings City Council regarding the storage of salt and sand/salt mixtures on City property by our Street Department. We believe the NRRC has raised some very good points and we would propose to construct in 1986 the bituminous mat as described in Jim Kleinschmidt and Keith Rosch's memo of January 28, 1986. We would propose to use \$5,000 out of the \$25,000 budget item for overlays. This means that one of the blocks that we had budgeted to overlay in 1986 would have to wait until 1987. Unless the Council has a problem with this procedure, we would proceed with the necessary scheduling of this work. We would also include in our capital improvements program a proposal to construct a salt shed in the future.

ces

MEMO

TO: Gary E. Brown, City Administrator

FROM: J.J. Kleinschmidt, & Keith Rosch

SUBJECT: Storage of Salt and Sand/Salt Mixtures

DATE: January 28, 1986

To construct an 80' x 130' bituminous mat at the street garage is estimated to cost \$5000. This would include a 2" Class 5 gravel base and a 2" bituminous surface.

The street department can construct gravel berms to retain the salt on the mat.

Finally the Street Department will change their mixing schedules. Instead of mixing all the required salt and sand in the fall and then possibly having a large residue on the mat in the following summer, they will mix approximately one half of their estimated yearly needs in the fall, and then mix additional quantities in the winter as needed. This should result in a smaller quantity of mixed salt/sand left on the mat the following summer. This smaller quantity of mixed salt/sand would then be covered during the summer.

We feel the above measures will accomplish the goal of containing the salt and sand on the site. In the future, it may be necessary to construct a shed to provide the necessary cover for the salt and salt/sand mixture. However we do not feel this is necessary at this time. Depending on the size of the shed, it is estimated that it will cost \$50,000 - \$80,000 to construct.

J.J. Kleinschmidt

jt

Jim [unclear]

MEMO

TO: Hastings City Council
FROM: Hastings Natural Resources and Recreation Commission
SUBJECT: Storage of Salt and Sand/Salt Mixtures
DATE: January 17, 1986

The NRRC would like to strongly recommend that the de-icing salt and sand/salt mixtures stockpiled by the Hastings Public Works be stored in accordance with the Minnesota Department of Transportation 1977 salt storage policy. This policy requires that:

1. All salt and sand/salt mixtures should be placed on bituminous pads;
2. Bituminous pads should be constructed to eliminate surface runoff from running through a stockpile (this may require berms);
3. All salt piles should be covered with plastic materials (if not stored in a shed);
4. All salt/sand mixtures should be moved to empty salt sheds or covered for the spring and summer sessions; and
5. Any runoff from the stockpiles should be contained in a tank or holding basin.

The close proximity of the City's salt/sand mixture stockpile to the Vermillion River predisposes the salts and anti-caking agents to enter the river. These chemicals can produce harmful effects on aquatic plants and animals. In addition, the sand may produce harmful effects by increasing sedimentation in the Vermillion/Mississippi River flowage system. According to a Minnesota Pollution Control Agency publication, "one case study shows that a number of private wells located near stockpiles have become contaminated."

The NRRC hopes that the City Council will support our recommendations regarding the storage of road de-icing chemicals and move to instruct the Hastings Public Works to comply with MN-DOT storage guidelines.

Thank you for considering these recommendations.

Source: Highway De-icing Chemicals Package 1 and 2. Prepared by the Minnesota Pollution Control Agency, Division of Water Quality, Planning Section. May, 1978.

ces

Information

MEMO

DATE: 1-31-86

TO: MAYOR AND COUNCIL

FROM: TOM HARMENING, CITY PLANNER, AND MERLIN WILBUR, BUILDING OFFICIAL

RE: INTERIM PARKING PROVISIONS - "THE BARBERS" BUILDING, 1207 VERMILLION STREET - NO ACTION REQUIRED

Recently, concern was raised with regard to the necessary provisions for parking for "The Barbers" building and related attached uses located at 1207 Vermillion Street.

During the summer of 1985 the City gave approval for a site plan for an addition to the Barbers Building. Based on the size of the proposed addition (36' x 55') it was determined that 26 parking spaces were required to accommodate the building. The applicant proposed to provide the 26 spaces.

When construction actually commenced in the Fall of 1985 the building addition was scaled down to a 36' x 36' addition which then only required 19 spaces as per City code. Mr. Battern, owner of the Barbers, does intend to provide the entire originally proposed parking and screening provisions by May 31, 1986 (see attached letter from Battern). For the interim period Mr. Battern proposes to provide the required 19 parking spaces by providing 10 spaces on the west side of the building, 4 spaces on the north side, 2 parallel spaces on the south side, and 3 parallel spaces on the east side.

The proposed interim parking provisions appears acceptable until weather conditions permit installing permanent parking facilities.

jt

Received 1/30/86

Ron Battenn
DBA The Barbers
1207 Vermillion St.
Hastings MN 55033

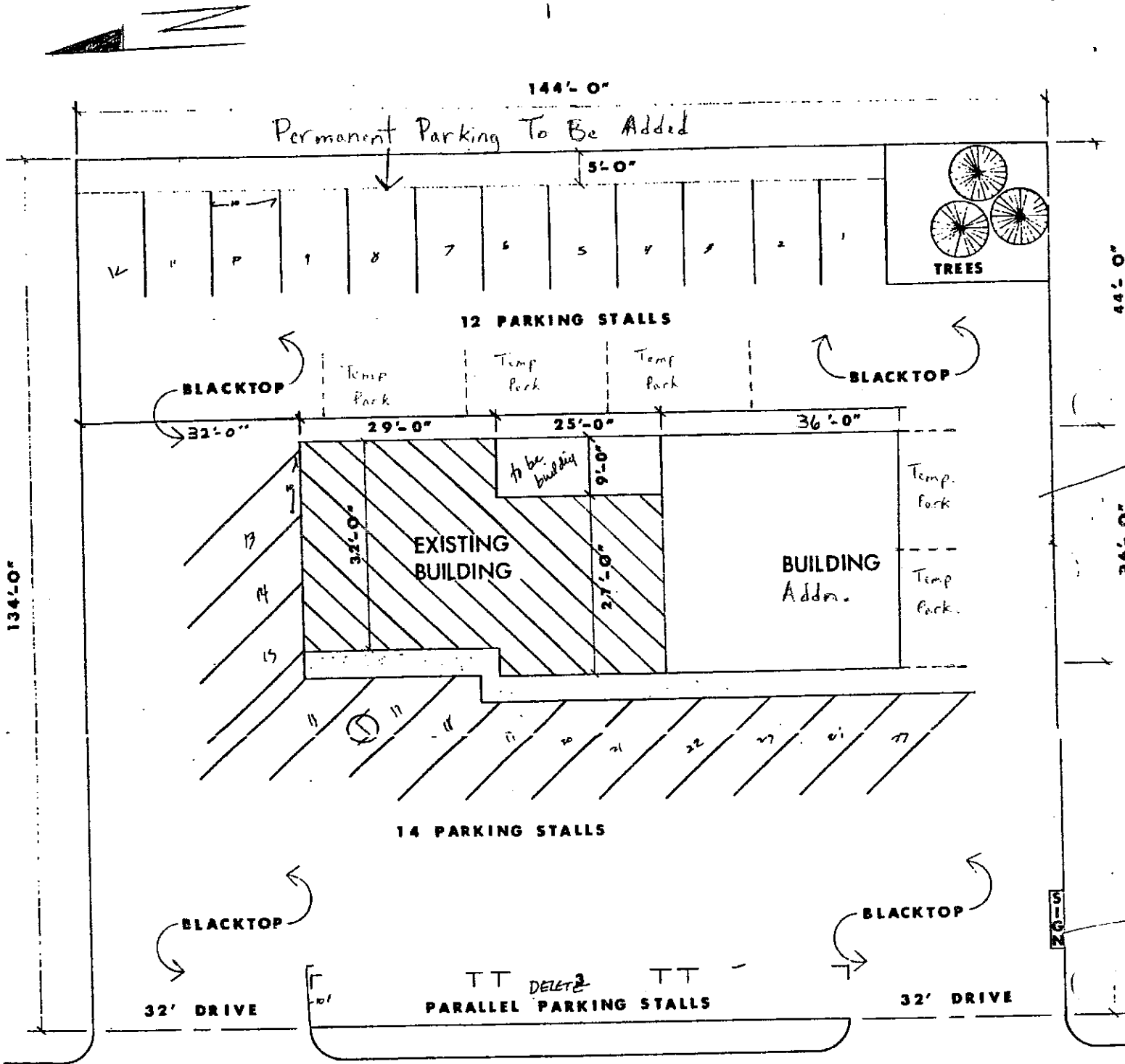
City of Hastings

Parking & Screening requirements
will be completed by May 31, 1986
on the project started here
on Oct 08 1985.

In the interim parking will
be provided with 10 spaces
on the west side, 4 spaces on
the North End, 2 parallel on
South end and 3 parallel in
The back.

Thank You

Ron Battenn



1207
VERMILLION STREET

RON BATTERN
SITE PLAN
SCALE: 1" = 10'-0"

1207