

AGENDA

I CALL TO ORDER:

II ROLL CALL:

III DETERMINATION OF QUORUM:

IV APPROVAL OF MINUTES:

Minutes of meeting of November 18, 1985

V AWARDING OF BIDS AND HEARING

VI REPORTS FROM CITY STAFF:

A. City Planner

1. Parking variance - 14th & Vermillion Street - Dr. Nelson & Slapnicher
2. Parking variance and site plan - Hertog and Fluegel - 999 Westview Drive

B. City Administrator

1. 3rd Reading - Ordinance No. 192 - Liquor
2. Capital Equipment for Transit
3. Establish Committee to study City Hall alternatives
4. Administrative Committee Report
5. Gambling license - Miesville Lions Club - McCabe's Pub
6. Land purchase Hastings Industrial Park

C. City Attorney

D. City Engineer

1. Resolution - Final Payment - Keller Construction Project - \$9,777.69
2. Ramsey and Tyler - 3rd to 4th - 2 way traffic
3. Drainage problem - 15th & Hillside

VII COMMENTS FROM AUDIENCE:

VIII UNFINISHED BUSINESS:

IX NEW BUSINESS:

X REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMAN

XI COMMUNICATIONS AND MISCELLANEOUS BUSINESS

XII PAYMENT OF CLAIMS

Consent Agenda:

1. Pay all bills as audited

Hastings, Minnesota
November 18, 1985

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, November 18, 1985 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 November 4, 1985 and hearing none declared the minutes approved as presented.

The Mayor declared the Public Hearing open at 7:32 p.m. to consider amending Section 3.40 Subdivision 3 (G) of the City Code dealing with On Sale Wine license and application. The Mayor asked if any one 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-
LIQUOR ORDINANCE
AMENDMENTS

Moved by Councilmember Werner, seconded by Councilmember Bond to approve the request to table the parking variance at 14th & Vermillion Street until the December 2, 1985 regular City Council meeting. 8 Ayes; Nayes, None.

PARKING VARIANCE
14TH & VERMILLION
STREET

Moved by Councilmember Kulzer, seconded by Councilmember Nesbitt to adopt Resolution No. 109-85 denying the rezoning request from an R2 to an R3 zone, Let There Be Hair, 717 West Eddy Street, based on the following: a barbershop/beauty shop and tanning salon are not permitted uses in an R3 zone. That this use does not constitute a professional office under the Hastings Zoning Ordinance. Furthermore, this proposed use does not constitute a use of a public service nature as envisioned by the Hastings zoning ordinances. The requested rezoning would be a spot zone since it serves to benefit only this particular lot and not the existing neighborhood as a whole. Granting this rezoning would give preferential treatment to the applicants.

RESOLUTION NO. 109-85
LET THERE BE HAIR-
717 EDDY STREET

The proposed used is more in the nature of a commercial use and not compatible with the surrounding residential neighborhood. 6 Ayes; Nayes, Bond and Trautmann. Copy of resolution on file.

Moved by Councilmember Bond, seconded by Councilmember Trautmann to have the Planning Committee of the Council study a conditional use permit for the establishment at 717 Eddy Street, Let There Be Hair. 4 Ayes; Nayes, Berg, Werner, Kulzer, Nesbitt and Mayor Stoffel. Motion is denied.

Moved by Councilmember Bond, seconded by Councilmember Trautmann to have the Planning Commission study a conditional use permit for 717 Eddy Street, Let There Be Hair. 8 Ayes; Nayes, None.

Moved by Councilmember Mathiowetz, seconded by Councilmember Bond to extend the deadline for Let There Be Hair relocation until April 1, 1986. 4 Ayes; Nayes, Werner, Kulzer, Nesbitt, Berg and Mayor Stoffel.

Moved by Councilmember Berg, seconded by Councilmember Plan to adopt Resolution No. 110-85 approving the annexation of portions of Marshan Township. 8 Ayes; Nayes, None. Copy of resolution on file.

RESOLUTION NO. 110-
85 PETITION FOR
ANNEXATION-MARSHAN

Moved by Councilmember Werner, seconded by Councilmember Plan to adopt Resolution No. 111-85 declaring adequacy of petition for water and sanitary sewer and ordering preparation of feasibility report for Malcolm Avenue and 160th to Trunk Highway 316. 8 Ayes; Nayes, None. Copy of resolution on file.

RESOLUTION NO. 111-
85 DECLARE AN
ADEQUACY OF PETITION
MALCOLM AVENUE

Moved by Councilmember Berg, seconded by Councilmember Mathiowetz to accept the low bid of \$9,000 received by Gary Kramer to do the 1985 City Audit, after also interviewing McGladrey, Hendrickson and Wilkerson, Guthmann. 5 Ayes; Nayes, Trautmann, Plan and Werner.

INTERVIEW AUDITORS-
1985 AUDIT

Moved by Councilmember Berg, seconded by Councilmember Bond to hire Tom Harmening as the City Planner. 6 Ayes; Nayes, Werner and Trautmann.

CITY PLANNER
POSITION-TOM
HARMENING

Moved by Councilmember Trautmann, seconded by Councilmember Werner to hire Tom Harmening effective January 13, 1986 with an annual starting salary of \$30,053.00. 8 Ayes; Nayes, None.

REAL ESTATE ABATEMENT Moved by Councilmember Werner, seconded by Councilmember Plan to approve the 1985 reassessment of the structure at 19-10500-201-04. 8 Ayes; Nayes, None.

ORDINANCE NO. 191-85 GARBAGE LICENSE FEES Moved by Councilmember Berg, seconded by Councilmember Werner to pass the third and final reading of Ordinance No. 191-85 amending Section 5.42, Subdivision 2 changing the garbage haulers license fees to \$100.00 annually. 8 Ayes; Nayes, None.

SECOND READING-ORDINANCE AMENDMENT LIQUOR Moved by Councilmember Werner, seconded by Councilmember Kulzer to pass the second reading of an ordinance amending Section 3.40 Subdivision 1 and 3.20 Subdivision 3G of the City Code having to do with liquor. 7 Ayes; Nayes, Nesbitt.

LIONS CLUB REQUEST-CAR ON LAKE REBECCA Moved by Councilmember Berg, seconded by Councilmember Kulzer to approve the request of the Lions Club to place a car on the ice on Lake Rebecca. 8 Ayes; Nayes, None.

SEP ADMINISTRATIVE COMMITTEE MEETING Moved by Councilmember Berg, seconded by Councilmember Werner to set an Administrative Committee meeting for Tuesday, November 26, 1985 p.m. to discuss Union Negotiations. 8 Ayes; Nayes, None.

COMPTROLLER POSITION Moved by Councilmember Trautmann, seconded by Councilmember Werner to authorize staff to advertise for a Comptroller and to approve the job description. 4 Ayes; Nayes, Nesbitt, Mathiowetz, Berg, Bond and Mayor Stoffel.

JURAN MOODY DEPOSITORY Moved by Councilmember Werner, seconded by Councilmember Plan to approve the firm of Juran and Moody Incorporated as a depositor for long term investments. 8 Ayes; Nayes, None.

SET PUBLIC HEARING-UTILITY EASEMENT VALLEY MANOR Moved by Councilmember Werner, seconded by Councilmember Berg to set a public hearing for the December 16, 1985 regular City Council meeting to consider a request of vacation of a five foot utility and drainage easement in Valley Manor. 8 Ayes; Nayes, None.

RESOLUTION NO. 112-85 DECLARING ADEQUACY OF PETITION-WILLIAMS 1ST ADDITION Moved by Councilmember Trautmann, seconded by Councilmember Plan to adopt Resolution No. 112-85 Declaring Adequacy of Petition in ordering preparation of report for Williams First Addition. 7 Ayes; Nayes, Berg.

AUTHORIZE ADVERTISEMENT FOR BIDS-SNOW BLOWER Moved by Councilmember Werner, seconded by Councilmember Bond to approve specification and authorize advertisement for bids for a snow blower for the street department. Bids will be considered for award at the December 16, 1985 regular City Council meeting. 8 Ayes; Nayes, None.

REAPPOINT CHARTER COMMISSION MEMBERS Moved by Councilmember Plan, seconded by Councilmember Nesbitt to reappoint Michael Hovgaard, Wint Hartmann, Dick Dobrick and Jeanne McGree to the Charter Commission with their terms expiring November 30, 1987. 8 Ayes; Nayes, None.

CONSENT AGENDA Moved by Councilmember Werner, seconded by Councilmember Berg to

1. Pay all bills as audited
2. Partial Payment No. 2 Hydro Storage Inc. to \$236,835.00
3. \$25,000 Gegen Insurance for Hydro Bond proceeds
4. Partial sidewalk reimbursement Guardian Angels Church \$661.33 Wesley Menge, 624 W. 5th St. \$291.90 Paul Birchen, 628 W. 5th \$291.90.
5. Winthrop, Stimson, Putnam and Roberts \$27,520.97 Hydro Electric Project

8 Ayes; Nayes, None.

ADJOURNMENT Moved by Councilmember Werner, seconded by Councilmember Plan to adjourn the meeting at 10:40 p.m. 8 Ayes; Nayes, None.

ATTEST

Lu Ann Stoffel, Mayor

Gary E. Brown, City Administrator/Clerk

Minutes of the Administrative Committee Meeting
Tuesday, November 26, 1985

Committee Members Present: Tom Berg, Mike Werner, Bob Kulzer, Tom Nesbitt

Absent: Dick Mathiowetz

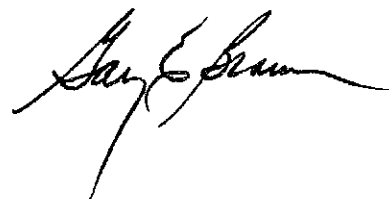
Also Present: Councilmembers Dutch Plan, Fred Trautmann, and Dick Bond
City Administrator Gary Brown, Administrative Assistant Dianne Latuff

Union Negotiation strategies were discussed with Local 49ers (Public Works and Local 320) Fire Department.

City Administrator discussed with the committee the non union cost of living adjustments. He indicated that metro areas considered a 3.5% adjustment to be the Twin City cost of living increase. It was mutually agreed that the Administrative Committee would recommend to the City Council that a 3.5% cost of living adjustment be made to all non-union personnel effective January 1, 1986.

The Finance position job description was discussed. After much deliberation a consensus of the Administrative Committee was that due to short falls of the State of Minnesota Department of Revenue, and their effect on the city budget, that the City Council should wait on the hiring of a finance position, until July 1, 1986. It was felt by the majority of committee that the position was needed. Any monies that would be saved through the budget might be used to purchase additional software and hardware for the utility billing, payroll, and accounting. Additionally, the committee felt that monies in this budget for the finance position could be used to hire professional help, if needed.

City Administrator and Administrative Assistant gave updates on comparable worth. It was indicated that results of the comparable worth study probably would not be sent out until the middle of January. The majority of the metropolitan communities are not waiting on the results of the Comparable Worth Analysis to settle union contracts or to deal with non-union personnel. In addition staff reported that the President had signed a new bill dealing with the Fair Labors Standard Act and that recommendations would be made to the City Council as to how it affects the personnel policy and union contracts, relating to compensatory time and work hours.



MINUTES OF THE HASTINGS PLANNING COMMISSION
MONDAY, NOVEMBER 25, 1985

The meeting was called to order by Chairman Simacek at 7:30 p.m.

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

Members Absent: Commissioners Ditty, and Reuter

Planner Loucks noted that the Planning Commission Tabled this matter on November 11, 1985 in order to give the staff an opportunity to review previous actions by the planning commission and City Council to determine if the property has been restricted in terms of the number of units that would be allowed upon it.

SPECIAL USE PERMIT
AND HEIGHT VARIANCE-
HAVEN HOMES NURSING
HOME-930 W. 16TH ST.

He indicated the research of the records have been made and that the Planning Commission staff report contained copies of minutes dated June 7, 1965, August 28, 1972, September 11, 1972, August 14, 1972, and August 21, 1978. He further indicated that it has come to his attention that the minutes of August 7, 1965 indicated that the Hastings City Council approved a zone change from residential one to commercial one subject to the following condition:

- 1). Present fee owners of the property, to wit: Calvary Baptist Church of Hastings, Minnesota shall execute and deliver to the City of Hastings an agreement providing that in no event shall the property be transferred or conveyed to Haven Homes Inc. and that the deed of conveyance shall contain a provision that the property shall be used as a Nursing Home for the aged only. The original of said deed shall be submitted to the City Attorney of Hastings, Minnesota for his approval. The deed shall further contain the restriction and provision that in the event that the property is not used for nursing purposes only it shall revert to the Calvary Baptist Church of Hastings, Minnesota, to be used for Church purposes only.
- 2) The grantee on said deed shall, before accepting said deed, execute and deliver to the City of Hastings an agreement embodying the above provisions.
- 3) The restrictions above described shall be in force for a period of 40 years from and after the date of the deed, or the maximum period as may be allowed by law, whichever shall be the shorter;
- 4) The terms and conditions above described, and as the same shall be embodied in the agreements referred to herein, shall be enforceable by the City Council of the City of Hastings, Minnesota, by any resident tax payer, and/or by the Calvary Baptist Church of Hastings, Minnesota.

Mr. Loucks noted that the aforementioned minutes were not part of the original staff report submitted to the planning commission because the information just became recently available.

It was further noted that the planning staff reports provides a description of a home for the aged or a home for the retired that was utilized to evaluate the proposed 102 unit elderly alternative housing project that a report from the City Attorneys office dated November 21, 1985 is enclosed which deals with the issue

as to whether or not the City required to enforce private restrictive covenants.

Chairman Simacek then recognized Pastor Fair who described the proposed Alternative Housing facility and further indicated that the covenant referred to in 1965 was released in 1980 and therefore should not have any impact on the proceeding being considered by the Planning Commission.

James Storkamp representing numerous residents who live in the area re-emphasize why he felt that an alternative housing care facility should not be allowed by special use permit. He indicated that the alternative housing should not be permitted by special use because by definition it is not an old age home or rest home and that therefore should be reviewed as a multi-family residential proposal. He further quoted various sections of Chapter 10 (the city zoning ordinance) stating that the special use permit being requested is in clear violation of the standards and policies as set forth in the zoning ordinance. He further indicated that protective covenant of 1965 prohibits the use of the Haven Homes Property for anything other than nursing home purposes.

(a petition containing 191 names was then submitted to the Chairman for inclusion into the official record).

Mel Agen a resident made a presentation in which he indicated 1) that the proposed building is according to his calculations is not located on the property to be acquired from the City; 2) that the proposed location of the building violates the 150 foot buffer zone that Haven Homes assured the residents that they would have; 3) that the runoff from the building and parking lot could present drainage problems in the ponding basin; 4) the proposed facility would block the view of adjacent residents; 5) that the appearance of a large building in the middle of a residential neighborhood does not protect the general health, safety and welfare of the surrounding neighborhood; 6) that the existence of such a large building could diminish property values and 7) that the proposal is inconsistent with the standards and requirements of the zoning ordinance.

Robert Williams, questioned the planning commission in regard to the number of variances that would be required to implement this proposal.

Following a review of all the information submitted a motion was made by Commissioner Stevens and seconded by Commissioner Folch to recommend denial of the special use permit as it does not meet the standards of the zoning ordinance for issuance of such permit. Ayes, 5; Nays, Commissioner Conzemius and Chairman Simacek.

Motion was made by Commissioner Stevens, and seconded by Commissioner Folch to table the variance matter until such time as the City Council makes final disposition of the special use permit request. Ayes, 7; Nays, 0.

Planner Loucks noted that the applicant had previously appeared before the Planning Commission requesting a 17 car parking variance for the proposed office building to be located at 14th & Vermillion Street. This matter had not gone to the City Council, and the applicant has since revised their plan and are requesting a six car parking variance for a 3,000 square foot building (2400 square feet usable). The zoning ordinance requires one space for each 100 feet of usable floor area thus 24 spaces would be required and 18 are being proposed on the revised site plan.

DRS. NELSON AND
SLAPNICHER - 14TH &
VERMILLION STREET-
PARKING VARIANCE

Following a brief discussion a motion was made by Commissioner Folch and seconded by Commissioner Kaiser to recommend a six car parking variance because the applicant has demonstrated the following findings:

1. That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 2. That literal interpretation of the zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same districts under the terms of Chapter 10.
 3. That special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the requested variance will not confer upon the applicant any special privileges that is denied by Chapter 10 to other lands, structures or buildings in the same district.
- Ayes, 7; Nays, 0

Planner Loucks noted that the applicant is requesting site and building plan approval and a 26 car parking variance for an 11,500 square foot office building (existing building 7,170 sq. ft. - addition 5,230 sq. ft. usable). The site plan is in order because it meets all the ordinance requirements, however, the commission must deal with the matter of the variance request. It was pointed out that the existing office building was approved at a ratio of 1 space for each 130 sq. ft. of usable floor space. The applicant is requesting that the additional space be approved at the ratio of 1 to 130.

SITE PLAN APPROVAL AND
PARKING VARIANCE-HERTOX
FLUEGEL, SIEBEN, POLK
JONES & LAVERDIERE-
999 WESTVIEW DRIVE

Brooks Swanson, representing the applicant, then made a brief presentation regarding the proposed expansion of the office building facility.

Following a brief discussion a motion was made by Commissioner Stevens and seconded by Commissioner Anderson to recommend approval of the variance because 1) that special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and are not applicable to other structures, or buildings in the same district. 2) that literal interpretation of the zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same districts under the terms of Chapter 10; 3) that special conditions and circumstances do not result from the actions of the applicant and 4) granting the variance requested will not confer upon the applicant any special privileges that is denied by Chapter 10 to other lands, structures, or buildings in the same district. Ayes, 5; abstention Commissioner Folch, not voting Commissioner Anderson.

Chairman Simacek noted that the City Council had directed the Commission to review the zoning ordinance related to the potential of adding special and conditional use permits to various chapters of the code. Chairman Simacek appointed Commissioners Stevens, Conzemius and Kaiser to review the matter and report back to the commission in two to three months.

OTHER BUSINESS

Planner Loucks noted that there is a vacancy on the Planning Commission as of December 31 and was seeking direction as to how the commission wanted to advertise. It was the consensus of the commission that the vacancy should be advertised on cable t.v. and we should request the Hastings Star and Gazette to write an article seeking qualified applicants for the position.

A motion was made by Commissioner Stevens, seconded by Commissioner Folch to adjourn the Planning Commission. Adjourned at 10:40 p.m.

ADJOURNMENT

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|---------------------|----------------------------|
| Donald Mayr | 1724 Pine St. |
| Tom Heesch | 1720 Pine St. |
| Helen Heesch | 1720 Pine St. |
| Elaine Jordan | 1618 Pine St. |
| Wanda Wagner | 1614 Pine |
| Celestine Wagner | 1614 Pine St. |
| Agnes Wagner | 1614 Pine St. |
| Bois Wagner | 1614 Pine St. |
| Wickie Reinhardt | 1603 Pine St. |
| Mildred Hoffman | 809 W 16 |
| Donald R. Berg | 803 W 16 |
| Donald R. Berg Jr. | 803 W 16 |
| Catrina M. Berg | 803 W 16 th |
| Rudolph Bauer | 1578 Pine St. |
| Edna Seidl | 1628 Pine |
| Armen Seidl | 1628 Pine St. |
| Kenneth Johnson | 804 W 17 th St. |
| Joan Lundberg | 800 W 17 th St. |
| Josephine M. Freger | 815 W 17 th St. |
| Harry C. Freger | 815 W 17 th St. |
| Mary Carlson | 1609 Pine St. |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|--------------------|------------------------------|
| Kenneth Olson | 1626 Pine St. |
| Angie Olson | 1626 Pine St. |
| Art Biele | 1710 Pine St. |
| Diane Bialko | 1710 Pine St. |
| Diane Stata | 9815 Pine St. |
| Sandra Driewert | 815 Pine St. |
| Dorothy Williams | 808 W. 17 th St. |
| Karen Williams | 808 W. 17 th St. |
| Carmon Muehler | 1613 Pine St. |
| Barbara Muehler | 1613 Pine St. |
| Jerome Olson | 1626 Pine St. |
| Robert Schroeder | 1529 Walnut |
| Luadline Schroeder | 1529 Walnut |
| Donald W. Irvine | 929 W. 15 th St. |
| Larry J. Kammacher | 931 W. 15 th St. |
| Mary J. Kammacher | 931 W. 15 th St. |
| Paul M. Kammacher | 1607 Pine St. |
| Jim Johnson | 1626 Pine St. |
| Mary Murphy | 920 W. 15 th St. |
| Shirley Burr | 940 W. 15 th St. |
| William W. Johnson | 1007 W. 15 th St. |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|--------------------|------------------------------------|
| Marya Ubdoff | 1821 Manor Lane |
| Mike Holoff | 1821 MANOR LANE |
| Veronica Seleski | Hastings, Mo |
| Tom Reuter | Hastings, Mo |
| Lillian Hamilton | 1204 OAK Hastings |
| Eleanor Stevens | 2013 Forest |
| May Ann Rulke | 206 E 3 rd Street |
| Joan Warner | 1023 E. 3 rd Street |
| Genevieve Klein | 1501 Bailey St. |
| Barbara Cowden | 821 W 10 th St |
| Alan Cowden | 821 W 10 th St. |
| Cecil Warner | 1023 E 3 rd St Hastings |
| Ken Klein | 1501 Bailey St |
| Lorraine Auer | Hastings |
| Irene Dalbotten | Hastings |
| Marge Dunn | Hastings |
| George Dummer | Hastings |
| Myra Helen Kendall | Hastings |
| Jewell Tix | Hastings |
| Wayne Tix | Hastings |
| Roger Tix | Hastings |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|-----------------|--------------------------------------|
| Debra K. Stark | 1530 W. 14 th Hastings |
| Alberta Gath | 1323 W. 12 - Hastings |
| Sylvia Daley | 615 W. 18 th St. Hastings |
| Wane Williams | Hastings |
| Verona Angeman | Hastings |
| Nanny Klein | Hastings |
| Jean Osmeke | Hastings |
| Yvonne Reinardy | Hastings |
| Judith Kough | Hastings |
| Patty Munson | Hastings |
| Kidney Self | Hastings |
| Ira Bugayne | Hastings |
| Ann Kaiser | Hastings |
| Carl Brown | Hastings |
| Mary Bauer | Hastings |
| Jane Zhrin | Hastings |
| Mommy Jacobson | Hastings |
| Heidi Winkberg | Hastings |
| Lois Forsch | Hastings |
| Carol Jones | Hastings |
| Judy Duffing | Hastings |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|----------------------|------------------|
| Mel Ager | 1761 Manor Ln |
| mpd & jdk | 1013 ZWEBER LN |
| Patricia Ager | 1761 Manor Lane |
| Thomas J. Leuch | 1751 Manor Lane |
| Tom & Beenslit | 1721 Manor Lane |
| Jerry Miller | 1524 Pine |
| W. J. Fred Reddemann | 1013 Zweber Ln |
| Heather Sellman | 1019 Glueck |
| Gordon Anderson | 1025 ZWEBER LN. |
| Gloria Anderson | 1025 Zueber Ln. |
| Lillian J. Weisinger | 1760 Manor Lane |
| Ina Schnell | 1815 Louis Lane |
| Diane Thurmes | 1825 Louis Lane |
| MRS. MRS. Roy Shell | To Be Louis Lane |
| Mary Weidinger | 1760 Manor Lane |
| J. J. Smith | 961 Manor Ct |
| Robert H. Williams | 1771 Manor LA, |
| Linda Sundberg | 961 Manor Court |
| Donna Olsen | 1781 Manor Lane |
| James Cloutier | 960 Manor Lane |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|-----------------------------|-----------------------------|
| Laura Marshall | 804 Ramsey St. |
| Arlene Benjamin | 322 E. 7 th St. |
| Dale Benjamin | 322 E 7 th St |
| Del Hobby Hubley | 611 W 18 th St. |
| Rosie Hentges | 129 Pleasant St. |
| Connie Hilderbran | 322 E. 7 th St. |
| Kim Swenson | 20 Whispering Lane |
| Benjamin W Radtke | 922 East 2 nd St |
| Judy Seidl | 1930 Caddy |
| Heidi Gery | 1199- Bahle Dr. |
| Margaret Kornick | 941 W 21 st St. |
| Marie Myers | 218 East Fifth St |
| Richard Collins | 1420 Pine St. |
| Kathleen Collins | 1420 Pine St. |
| Joe Byrne | 915 W 6 th St |
| Viola Byrns | 915 W 6 th St. |
| Carol Woodruff | 919 W 14 th St. |
| Bill Woodruff | 919 W 14 th St |
| Bill Woodruff | 410 Decillion |
| Viola Anderson | 16173 Malcolm Ave |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|----------------------------|----------------------------------|
| Paula [unclear] | 1603 Pine St. Hastings |
| Daniel Carroll | 1905 Eddy St. Hastings |
| Charles Siebenaler | Hastings |
| Mr + Mrs Mike Fersch | 1637 Oak St |
| Louise [unclear] | 1908 EDGEWOOD LANE |
| Pat Ferriemuth | 1908 Edgewood Lane |
| Mr + Mrs Neil Capeland | 1912 Edgewood Ln, Hastings |
| James P. Delake | 214 west 8th HASTINGS |
| Joey [unclear] | " " " |
| Helen Kintner | 632 W. 2th, Hastings Minn. |
| Mary Starn | 1024 west 14th St Hastings minn |
| Jan [unclear] | 1024 west 24th St Hastings Minn. |
| [unclear] | 1903 Edgewood Lane |
| Jaye Breiner | 1903 Edgewood Lane |
| Connie Elliott | 2205 Pine St |
| Eldon Gilbert | 1341 W. 27 th STREET |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|---------------------|------------------------------|
| John [unclear] | 1014 W. 15 th St. |
| John [unclear] | 1014 W. 15 th St. |
| Ronald E. Zuph | 1016 W 15 th St |
| Jacqueline A. Kane | 1010 W 15 th St |
| Joe Kane | 1010 W 15 th St |
| Justin E. Nite | 1030 W 15 th St |
| Lo Roy Neuman | 1034 W 15 th St. |
| Matt D. [unclear] | 1100 W 15 th St |
| Roger A. [unclear] | 1110 W 15 th St |
| Jeanne Cahoon | 1127 W. 15 th St. |
| Les Cobian | 1127 W 15 th St |
| Aune Rasmussen | 1111 W. 15 th St. |
| Brian Rasmussen | 1111 W. 15 th St. |
| M. N. [unclear] | 1131 W 15 th St. |
| Christine [unclear] | 1131 W. 15 th St. |
| Anna Lindo | 951 Manor Ct. |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|------------------|-------------------|
| Mahe O'Brien | 1410 Maple St. |
| Margie Renter | 321 West 1st |
| Jane Felber | 104 W. 24th |
| Harvey Erickson | 222 Ramsey |
| Jane Kimmin | 528 W 4th St |
| Pam Kochendorfer | 1906 Eddy St |
| Meredith Lewis | 1513 Front St. |
| Edna Seidl | 1628 Bin Washig |
| Anna Radke | 109 Washington St |
| Betty Mitzuk | 1016 East 1st |
| Rogge Raalke | 914 East 1st St. |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|---------------------|-----------------------------|
| Richard J. Schabert | 916 W. 15 th St. |
| Tracy A. Schabert | 916 W. 15 th St. |
| Janis A. Schauer | 916 W. 15 th St. |
| Virginia R. Carey | 915 W. 15 th St. |
| Margaret J. Casary | 912 W. 15 th St. |
| etc. tractos | 908 W. 15 th St. |
| Jill Pustan | 905 W. 15 th St. |
| Regina Fox | 904 W. 15 th St. |
| William Collins | 1420 Pine |
| Richard Collins | 1420 Pine St. |

October 28, 1985

NEIGHBORHOOD PETITION

We, the undersigned, are NOT in favor of the proposed senior housing building project in the Southwest Ponding Basin by Haven Homes Health Center:

| NAME | ADDRESS |
|--------------------|----------------------|
| Virginia A. Larson | 1731 Manor Lane |
| Kivi Larson | 1731 Manor Lane |
| Jack Larson | 1740 Manor Ln |
| John A. Thurman | 1730 Manor Lane |
| Heidi R. Thurman | 1730 Manor Lane |
| Greg A. Thurman | 1750 Manor Lane |
| David Burr | 1924 Forest Street |
| Maree Bauer | 11680 Layton Ave So. |
| Carl Nygaard | 1950 Oak |
| Betty Nygaard | 1950 Oak |
| John Thurman | 1730 Manor Lane |

MINUTES OF HASTINGS CABLE COMMISSION MEETING

TUESDAY, NOVEMBER 5, 1985 - 1:30 p.m.

HASTINGS CITY COUNCIL CHAMBERS

JERRY ROSENDAHL, CHAIRMAN, PRESIDING

Members Present: Bev Bacon, Art Siebenaler, Christine Rayner, Jerry Rosendahl

Members Absent: Pat Gildemeister, Dennis Pellant, Jan Bour

Also Present: Marie Bolden, Dianne Latuff, Mark Kaping

The meeting was called to order at 1:42 p.m.

The minutes of the October 1 meeting were approved as mailed.

Some discussion took place regarding the audio problem during a recent Council meeting, and the attendance at the Open House.

Discussed ways of increasing the use of the studio.

Discussed the terms of office of Commissioners. Expiration dates are as follows:

| | |
|---------------------|---------------|
| 1985 - Gildemeister | 1986 - Rayner |
| Bacon | Siebenaler |
| Bour | Rosendahl |
| Pellant | |

Discussed By-Laws. Motion by Siebenaler/Bacon to approve the By-Laws as submitted. Motion carried unanimously.

Discussed ways of determining the list of 7 - 12 Board members of the Access Corporation. The commissioners will contact the people listed:

Rayner - School District, Library
Siebenaler - Mayor - Council, church
Latuff - City Attorney
Bacon - Public, Hospital
Kaping - Church
Rosendahl - Chamber of Commerce, Marshan Township

Discussed the establishment of Commission goals for 1986. Each Commissioner should bring ideas to the next meeting.

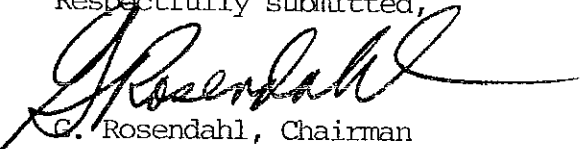
Latuff discussed the proposed rule change regarding technical requirements on the "quality" broadcasts. This is a FCC rule.

Bolden reported that bids are due in by November 12 on the sale of TDS. She will keep us posted.

Kaping reported that all the video equipment for the Council Chambers is in.

Motion by Bacon/Rayner to adjourn at 2:46 p.m. Motion carried unanimously.

Respectfully submitted,



C. Rosendahl, Chairman

ces

VIA/

MEMO

DATE: NOVEMBER 26, 1985

FROM: TOM LOUCKS

TO: CITY COUNCIL

SUBJECT: PARKING VARIANCE- DRS. NELSON AND SLAPNICHER-14TH & VERMILLION STREET

The applicant is requesting a six car parking variance for a proposed office building to be located at 14th & Vermillion. (2400 square feet usable). The zoning ordinance requires one space for each 100 square feet of usable floor area thus 24 spaces would be required and 18 are being proposed on the revised site plan.

✓ The Planning Commission reviewed this matter and recommended approval of the application because the size of lot and lack of space they are able to demonstrate a hardship in this matter. Affirmative recommendation is made as it meets the following criteria.

1. That special conditions and circumstances exist which are peculiar to the land, structures, or buildings involved and which are not applicable to other lands, structures or buildings in the same district.
2. That literal interpretation of the 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 privilege that is denied by Chapter 10 to other lands, structures, or buildings in the same district.

jt

PROJECT:

Nelson & Spierdijk Office Bldg - 14th & Van Allen

| Department | Reviewed | | Date | Name | Comments |
|-------------|----------|----|---------|-----------------|--------------------------|
| | Yes | No | | | |
| Fire | ✓ | | 9/7/85 | Grossdall | OK |
| Water | ✓ | | 10/7/85 | Amos Eckes | MEET. DRAWINGS NEEDED |
| Building | ✓ | | 10/7/85 | Miller | NO COMMENT |
| Planning | ✓ | | 10/7 | Kaul | Inefficient Party |
| Engineering | ✓ | | 10/7/85 | J.J. Kirschmidt | |

VIA 2

MEMO

DATE: NOVEMBER 26, 1985

FROM: TOM LOUCKS

TO: CITY COUNCIL

SUBJECT: SITE PLAN APPROVAL AND PARKING VARIANCE--HERTOGS, FLUEGEL, SIEBEN, POLK, JONES AND LAVERDIERE-999 WESTVIEW DRIVE

The applicant is requesting site and building plan approval and a 26 car parking variance for a 11,500 square foot office building (existing building 7,170 sq. ft.- addition 5,230 sq. ft. usable). The site plan is in order and meets all the ordinance requirements however the City Council must deal with the matter of the variance request. It should be pointed out that the existing office building was approved at a ratio of one space for each 130 sq. ft. of usable floor space. Essentially what the applicant is requesting at this time is that the additional space be approved at a ratio of 1 space for each 130 sq. ft.

The planning commission reviewed the matter and recommended approval of the variance because experience with the existing operation and lack of parking problems suggest that the request complies with the general intent of the ordinance.

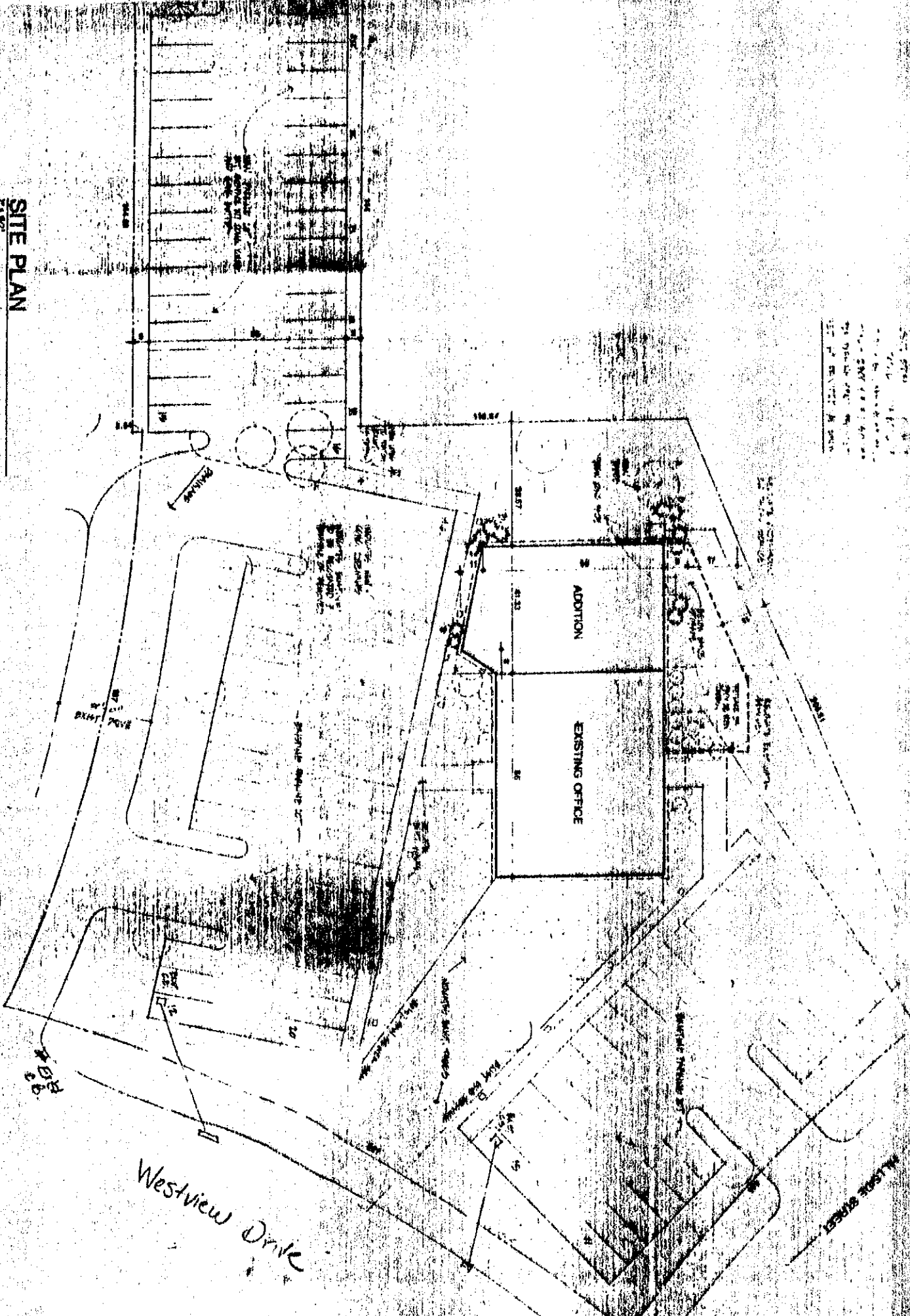
It is further indicated that the request complies with the following general finding of fact;

1. That special conditions and circumstances which exists are peculiar to the land, structures, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other property in the same district under the term 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 privilege that is denied by Chapter 10 to other lands, structures, or buildings in the same district.

jt

SITE PLAN

NOTES:
1. ALL DIMENSIONS ARE IN FEET.
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. SEE EXISTING RECORD DRAWINGS FOR UTILITY LOCATIONS.
4. SEE EXISTING RECORD DRAWINGS FOR EASEMENTS AND ENCUMBRANCES.
5. SEE EXISTING RECORD DRAWINGS FOR SETBACKS AND ZONING REQUIREMENTS.



Westview Drive

ALASKA STREET

PROJECT:

Hertogd - F.egal Parking Vanue & Site Plan

| Department | Reviewed Yes No | Date | Name | Comments |
|-------------|--------------------|----------|-----------------|--|
| Fire | ✓ | 11/20/85 | J. Haendahl | Need to know if Fire Dept. connection will be moved — where to? |
| Water | ✓ | 11-20-85 | J. Housse | N/C |
| Building | ✓ | 11-20-85 | M. Miller | SUBJECT TO COMPLETE REVIEW OF TOTAL BUILDING PLAN/EXTENSION OF SPRINKLER SYSTEM. |
| Planning | ✓ | 11/20 | FL. | On - Site Plan Needs Parking Vanue |
| Engineering | ✓ | 11-20-85 | J.J. Henschmidt | no comments |

ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING SECTIONS 3.40,
SUBD. 1 AND 3.20, SUBD. 3(G) OF THE HASTINGS CITY CODE

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

A. 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
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.

B. 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. Any 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 license is granted hereunder, each
applicant for said off-sale license shall also provide proof
of liability insurance coverage in the amount of \$10,000.00
for one person and \$20,000.00 for each incident; and each
applicant for an on-sale license shall provide proof of
liability insurance coverage in the amount of \$300,000.00 for
each incident. Applicants for an on-sale wine license or an
on-sale non-intoxicating malt liquor license shall provide
proof of liability insurance in the amounts and manner as
required by Minn. Stat. §340.11(21) now in effect and as may
be amended in the future. Provided that on-sale wine
licensees and on-sale non-intoxicating malt liquor licensees
may be exempt from the liability insurance requirements of
this subdivision by establishing through affidavit that they
are licensees with sales of less than \$10,000.00 each of wine
or non-intoxicating malt liquor for the preceding year. All
insurance policies required by this subdivision shall
specifically provide for the payment by the insurance company
on behalf of the insured of all sums which the insured shall

become obligated to pay by reason of liability imposed upon him by law for injuries or damage to persons, other than employees, including the liability imposed upon the insured by reason of Minnesota Statutes Chap. 340. Such liability insurance policy shall further provide that no cancellation of the same 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 its intention to cancel the policy. Sales of intoxicating liquor or beer by a licensee without such liability insurance shall be grounds for immediate revocation of the license.

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.

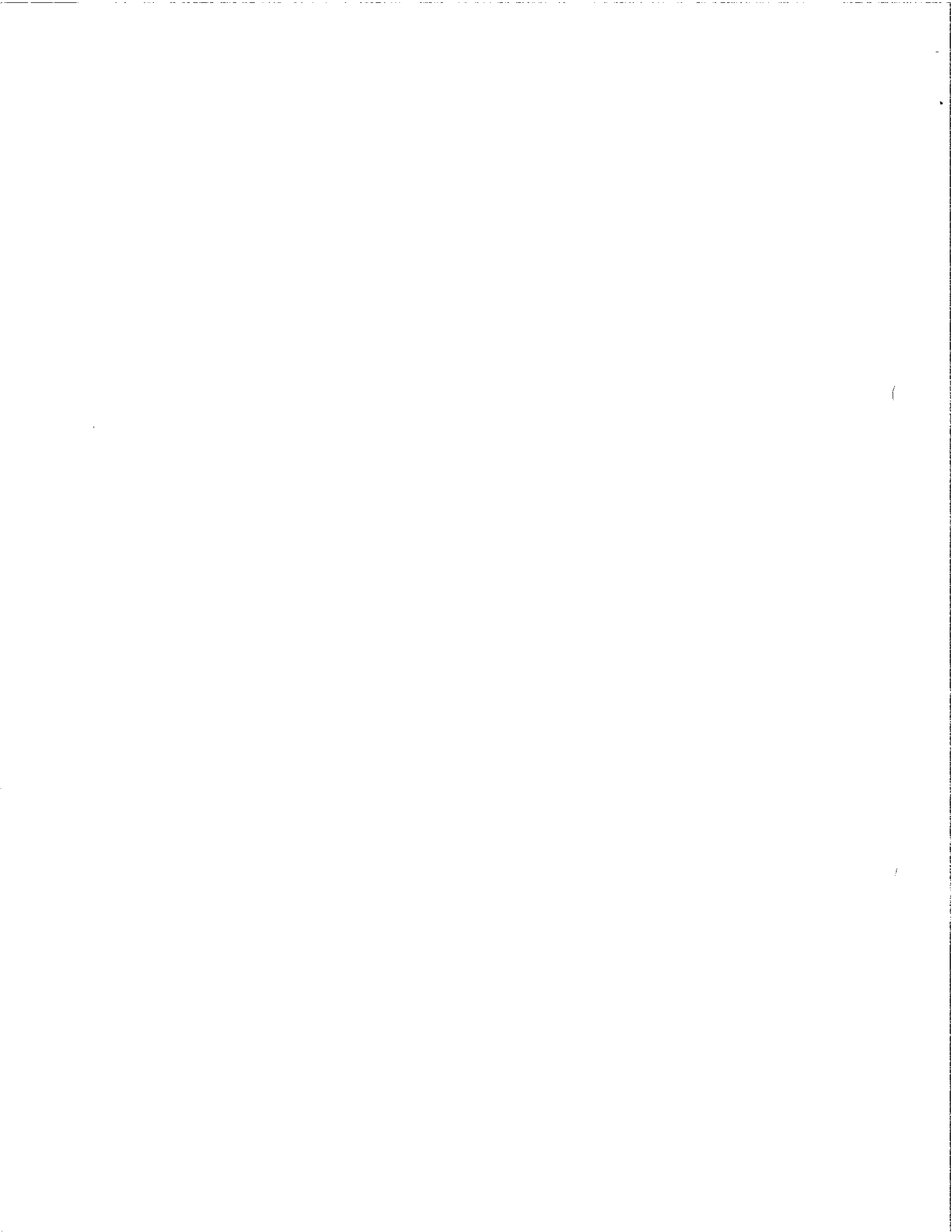
Adopted by the City Council of the City of Hastings this _____ day of _____, 1985.

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

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

October 30, 1985

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

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

Re: Proposed Liquor Ordinance Amendments

Dear Gary:

I am enclosing a proposed draft of the liquor ordinance amendments we have discussed. The proposed changes are underlined. As we have discussed, the proposed changes would allow an on-sale wine or non-intoxicating malt liquor (3.2 beer) licensee to be exempt from providing proof of insurance coverage if they established through affidavit that they had sales of less than \$10,000.00 of wine or 3.2 beer for the preceding year.

In the event that a wine or 3.2 beer licensee had sales in excess of \$10,000.00, they would then be required to provide proof of liability insurance coverage in the amount of \$50,000.00 for bodily injury to any one person per occurrence, in the amount of \$100,000.00 for bodily injury to two or more persons per occurrence and in the amount of \$10,000.00 for injury to or destruction of property of others per occurrence. You will notice in the proposed draft there is reference to Minn. Stat. §340.11(21). This provision of the State statute allows for the \$50,000.00/\$100,000.00/\$10,000.00 minimum insurance requirements that were just mentioned.

If the Council approves the proposed amendments, we would suggest that licensees of on-sale wine or beer be required to verify in some fashion to the City that they did not have sales of wine or beer exceeding \$10,000.00 for the previous year. This verification would be in addition to the affidavit which is required by State law and by the proposed ordinance amendment. This verification could be done at the time the licensee seeks to renew its on-sale wine or beer license.

*Also admitted in Wisconsin

OFFICES ALSO AT:


Red Wing, MN
(612) 388-1581

Cottage Grove, MN
(612) 459-1019

We will be present at the Council Meeting on Monday night to answer any additional questions you or the Council may have regarding the proposed amendments.

Very truly yours,

CITY OF HASTINGS, by

A handwritten signature in cursive script, appearing to read "Shawn M. Moynihan".

Shawn M. Moynihan
Assistant City Attorney

SMM/bap

Enclosure

MEMO

TO: MAYOR AND COUNCIL

FROM: GARY E. BROWN *[Handwritten Signature]*

SUBJECT: TRANSIT VEHICLES

DATE: NOVEMBER 18, 1985

Please find attached a copy of a letter I received last week from Dianne. Her work on the transit system should be recognized by the City Council as she again was able to get a new bus for 20% of the value through a State Grant.

The fares charged on the transit system pay for 35% of the cost of operation. This figure may seem rather low, however, it is one of the highest if not the highest in the Metro area. In addition our fares are fairly high as compared to other Cities. I believe the reason that we are able to charge a higher fare and get one of the highest rates of returns, is due to Dianne's overall supervision of the operation. In addition she is working with excellent drivers and dispatchers who give the people that extra personal touch.

As you can see from the memo the trac system certainly affects a great deal of our senior citizens and handicapped people. At the next Council meeting we will probably ask the City Council to authorize us to apply for a full-time third vehicle while using the van as a back up.

The City Council may wish to consider this by talking to people that are served by the trac system. Dianne and I feel that it might be wise to buy a new bus at this time even though the Federal Funds seem to be shrinking. In that way we might be able to operate the system for some time with new vehicles instead of old vehicles. We believe the difficult period of time after the Federal Funds are removed, will be the point at which new Capital Equipment has to be purchased.

Your comments would be appreciated to either Dianne or me.

cl

MEMO

TO: Gary E. Brown
FROM: Dianne Latuff
SUBJECT: November 4, 1985
DATE: Transit vehicles

As you recall, the City received approval last year from the MIC to pay for the lease of a transit vehicle for one year. When that lease ended, the purchase price balance was submitted to the State for reimbursement. The State approved the purchase and we have received a check for 80% of the entire purchase price, this vehicle cost the City \$3,545.68.

Roughly two years ago, staff received approval from the Council to purchase two new vehicles. We have subsequently submitted all the necessary paperwork to the State for the acquisition of another vehicle.

The City currently runs all three of its vehicles five days a week, with two buses running between ten-twelve hours per day each and the third bus running during peak operation hours. The buses are carrying approximately 175 people per day which averages out to about 6.75 people per hour. A new fare structure was implemented in January of '85 and the fare box is about 35% of the cost, which by all measures is highly respectable.

With the running of all three vehicles during peak hours, this puts the City in a position of having no back up vehicle. The large bus already has 70,000 miles on it and soon would be an ideal back-up vehicle, but we must be very selective with its pick-up because of its very poor means for entering and exiting. The 'TRAC' system carries a large number of senior citizens and handicapped people so the need of accessibility is critical. The first nine months of 1985, TRAC transported 5,093 seniors and 2,980 handicapped. This is equal to 35% of the total ridership and this percentage has grown about 3% every year for the past five years.

The City has just received official notification to proceed with the bid process for a new vehicle. Considering the Trac system has the ridership to substantiate running two vehicles all day and a third vehicle during peak hours, it appears rather prudent to obtain another vehicle, and maintain the back-up status with the van, while state and federal assistance dollars are still available. I feel rather confident at this point that the subsidy for a vehicle will be at 80%.

It is not anticipated that any changes will be made to the hours of operation or service levels and that the staffing will remain consistent. The only exception to this may be if the City elects to have TRAC provide a 'feeder' service to the proposed commuter bus to St. Paul.

cl

V1105

MEMO

DATE: NOVEMBER 27, 1985

TO: MAYOR AND COUNCIL

FROM: GARY E. BROWN *geb*

SUBJECT: CITY HALL

I would like to recommend to the City Council that a subcommittee of the City Council along with several staff members be appointed by the Mayor, confirmed by the City Council to look at alternatives for compliance of the 1986 law which requires the City to meet the handicapped accessibility requirements. We would like to recommend to the council that the City Staff include the City Engineer, City Planner, Building Inspector and me to work with several members of the City Council. At the present time it appears that the city has a number of alternatives; 1) remodel the existing building; 2) secure a portion of the old county courthouse; 3) remodel some other existing building; 4) build an entire new City Hall (possibly in conjunction with some other city/county facility).

jt

TO: MAYOR AND COUNCIL

FROM: BARB THOMPSON *Barb*

REGARDING: APPLICATION FOR NON-PROFIT CHARITABLE GAMBLING LICENSE

We have received application from the Miesville Lions Club for a Class A Gambling License at McCabe's Pub, 880 Bahls Drive.

The Class A license includes: Bingo, Raffles, Paddlewheels, Tipboards, and Pull-Tabs.

The application was received on November 15th and we have 30 days in which to respond to the Minnesota Charitable Gambling Control Board. If the Council wishes to allow the non-profit organization the license we do not have to respond but if the Council does not want the license issued a resolution must be adopted disapproving the issuance. This will prevent the Board from issuing the license.

Attached also is a letter dated 9-27-85 from our Assistant City Attorney which details the Minnesota Statutes 349.213(2) further.



Minnesota Charitable Gambling Control Board
 900 Summit State Bank Building
 310 4th Avenue South
 Minneapolis, MN 55415
 (612) 341-7676

FOR BOARD USE ONLY

GAMBLING LICENSE APPLICATION
 (Class A, B, or C)

- INSTRUCTIONS: 1. PRINT OR TYPE.
 2. Bring completed application to local governing body, obtain signature and date on all copies, and leave goldenrod copy. Applicant keeps pink copy and sends remaining copies to above address.
 3. Changes in application information must be submitted within 10 days after the change.

Type of Application:
 Class A - Fee \$100.00 (Bingo, Raffles, Paddlewheels, Tipboards, Pull-Tabs)
 Class B - Fee \$ 50.00 (Raffles, Paddlewheels, Tipboards, Pull-Tabs)
 Class C - Fee \$ 50.00 (Bingo only)
 Make checks payable to: Minnesota Charitable Gambling Control Board.

Applicant (Official, legal name of organization)
Marville Lions

Business Address
15815 Upper 194th St

City, State, Zip
Hastings Mn 55033

County
Dakota

Business Telephone Number
(612) 437-6742

Federal I.D. Number
41-1402994

Type of Organization
 Fraternal Veterans
 Religious Other Nonprofit Organization

Type of Organization Charter
 International National State

Number of Years in Existence (an Minnesota)
4

Number of Articles of Incorporation (if incorporated)
Articles

Location Where Articles are Filed

| | | |
|-------------------------------------|--------------------------|--|
| Yes | No | 1. Does organization have a dues structure? number of active members <u>18</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Has organization been previously licensed by the Board? If yes, give date |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Has license ever been denied, suspended or revoked? If yes check all that apply: <input type="checkbox"/> Denied <input type="checkbox"/> Suspended <input type="checkbox"/> Revoked |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Is organization exempt from payment of U.S. income tax? If yes, attach copy of letter declaring exemption. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Is organization tax exempt from payment of Minnesota tax? If yes, attach copy of letter declaring exemption. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

Site Address
McCabe's Pub 880 Bahl's Dr.

City, State, Zip
Hastings Mn 55033

County
Dakota

| | | |
|-------------------------------------|--------------------------|--|
| Yes | No | 1. Are all gambling activities conducted at the above site? If no, complete a separate application form for each site as a separate license is issued for each site. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Is site located within city/town limits? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Does organization own the site where gambling activity will be conducted? If no, attach copy of the lease to this site. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

Lessor Name (if lease or rent)
McCabe's Pub

Address
880 Bahl's Drive

City, State, Zip
Hastings Mn 55033

Gambling Manager Name
Dallen Bauer

Address
15815 Upper 194th St

City, State, Zip
Hastings Mn 55033

The \$10,000 fidelity bond required by Minnesota Statutes 349.09 has been obtained.

Company Name _____ Bond Number _____

Name of Organization's Officers and Titles

| | |
|-----------------------------------|--------------------------------|
| a. <u>James Weber</u> President | c. <u>Nick Peine</u> Treasurer |
| b. <u>William Bauer</u> Secretary | d. <u>437-4531</u> |

GAMBLING SITE AUTHORIZATION

By my signature below, local law enforcement officers or agents of the Board are hereby authorized to enter upon the site, at any time gambling is being conducted, to observe the gambling and to enforce the law for any unauthorized game or practice.

BANK RECORDS AUTHORIZATION

By my signature below, the Board is hereby authorized to inspect the bank records of the General Gambling Bank Account whenever necessary to fulfill requirements of current gambling rules and law.

OATH

herby declare that

1. I have read this application and all information submitted to the Board;
2. All information submitted is true, accurate, and complete;
3. all other required information has been fully disclosed;
4. I am the chief executive officer of the organization;
5. I assume full responsibility for the fair and lawful operation of all activities to be conducted;
6. I will familiarize myself with the laws of the State of Minnesota respecting gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments thereto.

| |
|---|
| Official Local Name of Organization Magill's Home |
| Signature (to be signed by Chief Executive Officer) |
| Title President |
| Date 11-17-85 |

ACKNOWLEDGEMENT OF NOTICE BY LOCAL GOVERNING BODY

I hereby acknowledge receipt of a copy of this application. By acknowledging receipt, I am hereby notified that this application will be reviewed by the Charitable Gambling Control Board and if approved by the Board, will become effective 30 days from the date of receipt (noted below), unless a resolution of the local governing body is passed which specifically disallows such activity and a copy of that resolution is received by the Charitable Gambling Control Board within 30 days of the below noted date.

LOCAL GOVERNING BODY

| | |
|---|--|
| Name of Local Governing Body City of White Bear | ORGANIZATION |
| Signature of Person Receiving Application <i>[Signature]</i> | |
| Date Received (This is date from which the 30 day approval begins) 11-15-85 | Name of Representative for Gambling License Applicant (serving notice) |



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

September 27, 1985

998 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
Jo 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) 386-1581

Cottage Grove, MN
(612) 459-1019

Ms. Barbara Thompson
Deputy City Clerk
100 Sibley Street
Hastings, Minnesota 55033

Re: Regulation of Gambling

Dear Barb:

We were requested to research the Minnesota Statutes regarding the City's ability to control gambling within the City limits. Specifically, the question asked of us was what authority does the City Council have to regulate lawful gambling within the City limits?

In 1984, the Minnesota Legislature greatly restricted the amount of regulation municipalities had over gambling within their cities. Instead, the Charitable Gambling Control Board was created which was given the authority to regulate and license almost all forms of lawful gambling.

However, the Legislature did not take away all regulatory powers from the City. Minnesota Statutes 349.213(1) allows a home rule city to adopt more stringent regulations for any form of lawful gambling within its jurisdiction. This includes the ability to prohibit any form of lawful gambling and also to require a permit for those forms of gambling which are exempt from licensing under the statute, i.e., bingo and raffles.

Furthermore, Minnesota Statutes 349.213(2) requires that before the Charitable Gambling Control Board issues or renews any license for lawful gambling within the City, it must notify the City Council of its intentions. If the City Council, within 30 days after receiving notice of the Board's intentions, adopts a resolution disapproving the license and so informs the Board within that 30 day period, the Board may not issue or renew that gambling license.

What this means to the City of Hastings is that before any gambling license is to be issued or renewed for any organization within the City of Hastings, the Charitable Gambling Control Board must notify the City of the pending issuance or renewal of that license. If the City Council does not want that license to be issued or renewed, then it must adopt a resolution disapproving the issuance or renewal of that license. This resolution must then be sent to the Board within 30 days after the City has received the Board's original notice. Compliance with this statute would then prevent the Board from issuing or renewing that gambling license.

In the event the City Council were to disapprove the issuance or renewal of a gambling license, we would suggest that in that resolution the Council make specific findings of fact as to why that license should not be issued or renewed. This would serve to inform the applicant why its license was disapproved as well as protect the City Council from claims of it acting in an arbitrary and capricious manner.

If either you or the City Council has any further questions on this matter, please do not hesitate to call on us.

Very truly yours,

CITY OF HASTINGS, by



Shawn M. Moynihan
Assistant City Attorney

SMM/bap

MEMO

TO: Mayor and Council
 FROM: Gary E. Brown *geb*
 SUBJECT: Industrial Park Land
 DATE: November 27, 1985

Please find attached a letter from the State of Minnesota regarding the sale of land to the City of Hastings in the amount of \$285,000. 74.3 acres mentioned in the letter involved land which the Veterans Home has considered as surplus property. Over a year ago the Veterans Administrator Bill Craig, approached our Mayor regarding the potential transfer of title to the property. At one time the City thought it could develop an energy park to entice industry. Since that time Masters did not need the amount of steam that we originally thought they would and therefore the steam line project was abandoned. We continued to follow through on the possible purchase of the property thinking that the City could certainly use this property in the future. The problem that we have is that the property is valued at the highest and best use that is called for by State law when in reality it is only worth the amount of farm land presently and 10 years into the future. The Industrial Park Board met on Wednesday morning, November 27 and recommended that the Council contact their legislative representatives to investigate the possibility of additional special legislation that would require the state to sell the land at the market value of its current use versus highest and best use because of the unique circumstances of the location of the property to the City's Industrial Park. Therefore, the Council is asked to authorize staff to contact our legislators to explore this possibility.

cl

City of Hastings
Dakota County, Minnesota
Resolution No. _____

RESOLUTION ACCEPTING WORK OF AUSTIN P. KELLER CONSTRUCTION COMPANY,
FOR CITY PROJECT NO. 1985-1 -- 1985 STREET & UTILITY CONSTRUCTION

Whereas, pursuant to a written contract with the City of
Hastings dated May 20, 1985, Austin P. Keller Construction Company
has satisfactorily completed the improvements and appurtenances
for City Improvement No. 1985-1 (1985 Street & Utility Construction)

NOW THEREFORE BE IT RESOLVED BY THE CITY OF HASTINGS:

That the work completed under this contract is hereby accepted
and approved, and

BE IT FURTHER RESOLVED: That the Mayor and City Administrator/
Clerk are hereby directed to issue a proper order for FINAL payment.

Adopted by the City Council of Hastings this 2nd day of
December 1985.

Ayes:

Nayes:

Mayor

ATTEST:

City Administrator/Clerk

City of Hastings
Dakota County, Minnesota

Recommendation for Final Acceptance

Nov. 26, 1985


Honorable Mayor and Members of the City Council

I have reviewed the work under contract to Austin P. Keller Construction Company for the "1985 Improvements" and I find the same has been fully completed in all respects according to the contract.

I, therefore, recommend final payments be made for said improvement to: AUSTIN P. KELLER CONSTRUCTION INC. for the balance of said contract as follows:

| | |
|-------------------------------|--------------|
| Total Contract Work Completed | \$478,681.54 |
| Previous Payments | \$468,903.85 |
| Balance Due | \$9,777.69 |

Yours truly,


James J. Kleinschmidt
City Engineer

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 1 of 1 City No. 85-1
Location 1985 Street & Utility Construction Original Contract Amount
Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|--|---------------|-----------|------------|-----------|
| 2104.505 | Bit. Pavement removed | <i>bit</i> | 1679 | 1.00 | 1,679.00 |
| 2105.515 | Unclassified Excavation | <i>14,000</i> | 16,252.22 | 1.85 | 30,066.61 |
| 2211.503 | Agg. base, Class 5 | <i>1790</i> | 2,056.33 | 9.00 | 18,596.97 |
| 2331.504 | Bit. Material for Mixture | | 12.07 | 200.00 | 2,414.00 |
| 2331.514 | Bit. Base Course Mix for 1 1/2" Compacted Thickness | | 241.33 | 12.45 | 3,004.56 |
| 2341.504 | Bit. Material for Mixture | | 83.36 | 200.00 | 16,672.00 |
| 2341.508 | Wearing Course Mixture | <i>13/2</i> | 1515.59 | 12.45 | 18,869.10 |
| 2357.502 | Bit. Material for Tack Coat | | 200 | 1.50 | 300.00 |
| 2506.522 | Adjust Frame & Ring Castings | | 4 | 150.00 | 600.00 |
| 2531.501 | Concrete Curb & Gutter, B6-18 | <i>4178</i> | 4238.6 | 4.70 | 19,921.42 |
| 2531.507 | Concrete Drwy Panels/Aprons 6" | | 342.83 | 19.00 | 6,513.77 |
| | 20" Bit. Drwy Panels incl. 4" | | | | |
| | Class 5 | | 496.53 | 11.00 | 5,461.83 |
| 2575.501 | Roadside Seeding, Incl. Topsoil | | 2.26 | 250.00 | 565.00 |
| 2575.502 | Seed Mixture No. 5 | | 271.20 | 3.60 | 976.32 |
| 2575.505 | Sodding, including topsoil | <i>850</i> | 1554.35 | 1.40 | 2,176.07 |
| 2575.511 | Mulch Material, Type 1 incl bales | | 5.37 | 150.00 | 805.5 |
| 2575.531 | Comm. Fertilizer, Analysis 8-10-30 | | .57 | 500.00 | 285.00 |
| 2105.521 | Granular Borrow C.V. | | 1956 | 2.00 | 3,912.00 |

Total Contract Work Completed \$ _____
 Approved Extra Orders Amount Completed \$ _____
 Total Amount Earned this Estimate \$ _____
 Less Percent Retained \$ _____
 Less Previous Payment \$ _____
 Total Deductions \$ _____
 Amount Due this Estimate \$ _____

Contractor Thomas M Keller Date _____
 Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 2 of 8 City No. 85-1
 Location 1985 Street & Utility Construction Original Contract Amount
 Contractor Austin F. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|--------------------------------|------------|----------|------------|-----------|
| 2105.523 | Common Borrow C.V. | 3680 | 6410 | 2.50 | 16,025.00 |
| 2503.511 | Connection into ex. manhole | | 5 | 1,500.00 | 7,500.00 |
| 2503.511 | 8" ESVCP San. Sewer Pipe laid | | | | |
| | 10'-10' depth, comp. in place | | 4725.12 | 10.00 | 47,251.20 |
| 2503.511 | 8" ESVCP San. Sewer Pipe laid | | | | |
| | 10'-12' depth, comp. in place | | | 10.00 | |
| 2503.511 | 8" ESVCP San. Sewer Pipe laid | | | | |
| | 12'-14' depth, comp. in place | | | 10.00 | |
| 2503.511 | 8" ESVCP San. Sewer laid | | | | |
| | 14'-16' depth, comp. in place | | | 10.00 | |
| 2503.511 | 8" ESVCP San. Sewer laid 16'- | | | | |
| | 18' depth, comp. in place | | | 10.00 | |
| 2503.511 | 8" ESVCP San. Sewer pipe laid | | | | |
| | 18'-20' depth, comp. in place | | | 10.00 | |
| 2503.511 | 8" ESVCP San. Sewer pipe laid | | | | |
| | 20'-22' depth, comp. in place | | | 10.00 | |
| 2503.511 | 10" ESVCP San. Sewer Pipe laid | | | | |
| | 14'-16' depth comp. in place | | | 20.00 | |
| 2503.511 | 10" ESVCP San. Sewer Pipe laid | | | | |
| | 16'-18' depth comp. in place | | | 20.00 | |

| | | | |
|--|----|-------|-------|
| Total Contract Work Completed | | \$ | _____ |
| Approved Extra Orders Amount Completed | | \$ | _____ |
| Total Amount Earned this Estimate | | \$ | _____ |
| Less Percent Retained | \$ | _____ | |
| Less Previous Payment | \$ | _____ | |
| Total Deductions | | \$ | _____ |
| Amount Due this Estimate | | \$ | _____ |

Contractor _____ Date _____
 Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 3 of 8 City No. 85-1
 Location 1985 Street & Utility Construction Original Contract Amount
 Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|-------------------------------------|------------|----------|------------|-----------|
| 2503.511 | 10" ESVCP San. Sewer Pipe | | | | |
| | laid 18'-20' depth comp in place | | 702.20 | 20.00 | 14,044.00 |
| 2503.511 | 10" ESVCP San. Sewer Pipe laid | | | | |
| | 20'-22' depth, comp in place | | | 20.00 | |
| 2503.511 | 10" ESVCP San. Sewer Pipe laid | | | | |
| | 20'-22' INCLUDING EXISTING UTILITY | | | | |
| | PROTECTION(watermains,gasmains etc) | | | 20.00 | |
| 2503.511 | 12" ESVCP San. Sewer Pipe laid | | | | |
| | 12'-14' depth INCLUDING EXISTING | | | | |
| | UT. PROT.(watermain) comp.in place | | 30 | 20.00 | 600.00 |
| 2503.511 | 12" ESVCP San. Sew. Pipe laid | | | | |
| | 12'-14' depth comp. in place | | 1268.30 | 20.00 | 25,366.00 |
| 2503.511 | 8" DIP San. Sewer Pipe laid | | | | |
| | 0'-10' depth, comp. in place | | 42 | 16.00 | 672.00 |
| 2503.511 | 8" DIP Outside Drop comp. in place | | 11.4 | 400.00 | 4,560.00 |
| 2503.571 | 4" CISP Service Pipe, | | 1182.09 | 8.00 | 9,456.72 |
| 2503.571 | 4" CISP Riser Pipe | | 50 | 16.00 | 800.00 |
| 2503.571 | 6" CISP Service Pipe | | 100 | 10.00 | 1,000.00 |
| 2503.573 | 4" on 8" ESVCP Wye Branches, | | | | |
| | Type "A" Serv. Connection | | 44 | 50.00 | 2,200.00 |

Total Contract Work Completed \$ _____
 Approved Extra Orders Amount Completed \$ _____
 Total Amount Earned this Estimate \$ _____
 Less Percent Retained \$ _____
 Less Previous Payment \$ _____
 Total Deductions \$ _____
 Amount Due this Estimate \$ _____

Contractor _____ Date _____
 Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS
Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 4 of 8 City No. 85-1
Location 1985 Street & Utility Construction Original Contract Amount
Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|---|------------|----------|------------|-----------|
| 2503.573 | 4" on 8" ESVCP Wye Branches, Type "B" Service Connection | | 3 | 60.00 | 180.00 |
| 2503.573 | 4" on 10" ESVCP Wye Branches Type "B" Service Connection | | 2 | 70.00 | 140.00 |
| 2506.508 | Const. Standard 4' Dia. Manholes 0'-8' depth | | 24 | 900.00 | 21,600.00 |
| 2506.508 | Extra Depth of 4' dia. Manhole over 8' depth | | 50.92 | 70.00 | 3,564.40 |
| 2503.573 | 6" on 8" Wye Branches Type A | | 5 | 50.00 | 250.00 |
| WM1 | Live Tap incl 6" Gate Valve | | 2 | 1,000.00 | 2,000.00 |
| WM2 | Live Tap incl 8" Gate Valve | | 2 | 1,200.00 | 2,400.00 |
| WM3 | 6" DIP CL-50 WM (7'-6" Bury) | 3229 | 3610 | 10.00 | 36,100.00 |
| WM4 | 8" DIP CL-50 WM (7'-6" Bury) | | 456 | 12.00 | 5,472.00 |
| WM5 | 10" DIP CL-50 WM (7'-6" Bury) | | 309.7 | 14.00 | 4,335.80 |
| WM6 | 12" DIP CL-50 WM (7'-6" Bury) | 965 | 1143.50 | 16.00 | 18,296.00 |
| WM7 | 6" DIP CL-50 Branch Service (7'-6" Bury) | | 193.4 | 11.00 | 2,127.40 |
| WM8 | 6" MJ Gate Valve w/box | | 22 | 300.00 | 6,600.00 |
| WM9 | 8" MJ Gate Valve w/box | | 1 | 400.00 | 400.00 |
| WM10 | 10" MJ Gate Valve (Butterfly w/box) | | 3 | 600.00 | 1,800.00 |

| | | | |
|--|----|-------|-------|
| Total Contract Work Completed | | \$ | _____ |
| Approved Extra Orders Amount Completed | | \$ | _____ |
| Total Amount Earned this Estimate | | \$ | _____ |
| Less Percent Retained | \$ | _____ | |
| Less Previous Payment | \$ | _____ | |
| Total Deductions | | \$ | _____ |
| Amount Due this Estimate | | \$ | _____ |

Contractor _____ Date _____
Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS
Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 5 of 8 City No. 85-1
 Location 1985 Street & Utility Construction Original Contract Amount
 Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|------|--|------------|----------|------------|----------|
| WM11 | 12" MJ Gate Valve (Butterfly) | | | | |
| | w/box | | 4 | 650.000 | 2,600.00 |
| WM12 | 6" MJ Hydrant W/4 1/2" Steamer | | | | |
| | 8'-0" Bury | | 11 | 900.00 | 9,900.00 |
| WM13 | MJ CIP fittings | 4665 | 6094.74 | 1.00 | 6,094.74 |
| WM14 | 3/4" Type "K" Copper Tap Service | | | | |
| | laid in common trench w/San. | | | | |
| | Sewer Service exc. as shown on plans | | 851.53 | 6.00 | 5,109.18 |
| WM15 | 1" Type "K" Copper Tap Service | | | | |
| | laid in common trench with | | | | |
| | San. Sew. Serv. except as shown on plans | | 341 | 6.00 | 2,046.00 |
| WM16 | 2" Type "K" Copper Tap Service | | | | |
| | laid in common trench with San. | | | | |
| | sewer serv. ex. as shown on plans | | 112 | 12.00 | 1,344.00 |
| WM17 | 3/4" Corp. Stop, incl Watermain tap | | 35 | 10.00 | 350.00 |
| WM18 | 1" Corp. Stop, incl Watermain Tap | | 16 | 15.00 | 240.00 |
| WM19 | 2" Corp. Stop, incl Watermain Tap | | 5 | 130.00 | 650.00 |
| WM20 | 3/4" Curb Stop w/curb box | | 33 | 35.00 | 1,155.00 |
| WM21 | 1" Curb Stop w/curb box | | 10 | 40.00 | 400.00 |
| WM22 | 2" Curb Stop w/curb box | | 5 | 100.00 | 500.00 |

| | | | |
|--|----|-------|-------|
| Total Contract Work Completed | | \$ | _____ |
| Approved Extra Orders Amount Completed | | \$ | _____ |
| Total Amount Earned this Estimate | | \$ | _____ |
| Less Percent Retained | \$ | _____ | |
| Less Previous Payment | \$ | _____ | |
| Total Deductions | | \$ | _____ |
| Amount Due this Estimate | | \$ | _____ |

Contractor _____ Date _____

Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Final

Estimate No. 5 Period Ending November 8, 1985 Sheet of 8 City No. 85-1
 Location 1985 Street & Utility Construction Original Contract Amount
 Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|---|------------|----------|------------|-----------|
| WM23 | Relocating Ex. Hydrants | | 3 | 500.00 | 1,500.00 |
| WM24 | Conn. to exist. Stub | | 5 | 1,000.00 | 5,000.00 |
| 2104.501 | Remove & salvage 27" RCP incl. aprons 10'-12' depth | | 87.4 | 5.00 | 437.00 |
| 2503.511 | 12" RCP Class III Storm Sewer Pipe 0'-8' depth | | 29.8 | 16.00 | 476.80 |
| 2503.111 | 15" RCP Class III Storm Sewer Pipe, 0'-8' depth | | 224 | 18.00 | 4,032.00 |
| 2503.111 | 18" RCP Class III Storm Sewer Pipe, 0'-8' depth | | | 20.00 | |
| 2503.111 | 24" RCP Class III Storm Sewer Pipe, 0'-8' depth | | 308.1 | 23.00 | 7,086.30 |
| 2503.111 | Salvaged 27" RCP Storm Sewer Pipe 0'-8' depth | | 73.4 | 10.00 | 734.00 |
| 2503.111 | 42" RCP CL-III Storm Sewer Pipe 0'-8' depth | 200 | 213.04 | 50.00 | 10,652.00 |
| 2503.111 | 48" RCP Class III Storm Sewer Pipe 10'-12' depth | 84 | 91.07 | 55.00 | 5,008.85 |
| 2503.521 | 36 1/2" span RC Pipe Sewer Class 2A 0'-8' depth | | 144 | 45.00 | 6,480.00 |

| | | | |
|--|----|-------|-------|
| Total Contract Work Completed | | \$ | _____ |
| Approved Extra Orders Amount Completed | | \$ | _____ |
| Total Amount Earned this Estimate | | \$ | _____ |
| Less Percent Retained | \$ | _____ | |
| Less Previous Payment | \$ | _____ | |
| Total Deductions | | \$ | _____ |
| Amount Due this Estimate | | \$ | _____ |

Contractor _____ Date _____
 Engineer _____ Date _____

CITY OF HASTINGS

100 Sibley Street
Hastings, Minnesota 55033

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Final

Estimate No. 5 Period Ending November 8, 1985 Sheet 7 of 8 City No. 85-1
 Location 1985 Street & Utility Construction Original Contract Amount
 Contractor Austin P. Keller \$ 428,615.50

WORK COMPLETED TO DATE

| Item | Description of Items | Extra Work | Quantity | Unit Price | Total |
|----------|---|------------|----------|------------|----------|
| 2503.521 | 43 3/4" span RC Pipe Sewer Class | | | | |
| | 2A 0'-8' depth | | 160 | 50.00 | 8,000.00 |
| 2503.573 | 15" RC Flared End Section w/ | | | | |
| | Trash Guard | | 4 | 450.00 | 1,800.00 |
| 2503.573 | 24" RC Flared End Section w/ | | | | |
| | Trash Guard | | 2 | 580.00 | 1,160.00 |
| 2503.573 | 27" RC Flared End Section Cont. | | | | |
| | to furn.&Instal. Trash Guard | | 2 | 500.00 | 1,000.00 |
| 2503.573 | 48" RC Flared End Section w/ | | | | |
| | Trash Guard | | 2 | 1,100.00 | 2,200.00 |
| 2503.573 | 36 1/2" span R.C. Pipe-Arch aprons | | | | |
| | w/trash guard | | 6 | 800.00 | 4,800.00 |
| 2503.573 | 43 3/4" span RC Pipe Arch Aprons | | | | |
| | w/trash guards | | 4 | 900.00 | 3,600.00 |
| 2503.573 | 42" RC Flared End Section w/trash guard | | | 1,100.00 | |
| 2506.508 | Construct 4' dia. Manhole or Catch | | | | |
| | Basin Manhole depth as shown on plans | | | | |
| | with steps, castings and covers | | 2 | 900.00 | 1,800.00 |
| 2506.508 | Construct 6' dia. Mahhole. depth as | | | | |
| | shown on plans, w/steps, castings & cover | | 1 | 1,800.00 | 1,800.00 |

| | | | |
|--|----|-------|-------|
| Total Contract Work Completed | | \$ | _____ |
| Approved Extra Orders Amount Completed | | \$ | _____ |
| Total Amount Earned this Estimate | | \$ | _____ |
| Less Percent Retained | \$ | _____ | |
| Less Previous Payment | \$ | _____ | |
| Total Deductions | | \$ | _____ |
| Amount Due this Estimate | | \$ | _____ |

Contractor _____ Date _____

Engineer _____ Date _____

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMES J. KLEINSCHMIDT, CITY COUNCIL

SUBJECT: RAMSEY AND TYLER STREET - 3rd ST. TO 4TH STREET

DATE: NOVEMBER 26, 1985

At the November 18, 1985 City Council meeting the question was asked "Should Ramsey and Tyler Streets have two way traffic between 3rd St. and 4th St. instead of the existing one way traffic".

Ramsey and Tyler Streets were widened in 1984 to a 44' width from 2nd St. to 4th St. These streets are 30' wide south of 4th St.

Two way traffic exists on these streets between 2nd and 3rd Streets and it would be appropriate to extend it to 4th Street since these streets are wide enough for one lane of traffic in each direction plus parking on both sides of the street.

The HRA has discussed this matter and recommends two way traffic on Ramsey and Tyler Streets between 3rd St. & 4th St. The Police Chief and the Fire Chief have stated that they have no objection to the proposed two way traffic.

If the City Council wishes to consider this matter further, it is suggested that a public hearing be held and that the owners, who front on these streets, be notified.

James J Kleinschmidt

jt

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: J.J. KLEINSCHMIDT, CITY ENGINEER

SUBJECT: LETTER FROM MR. SWANSTROM DATED NOVEMBER 27, 1985

DATE: NOVEMBER 27, 1985

Enclosed you will find a copy of a letter from Mr. Swanstrom regarding a drainage problem on his property located near the intersection of 15th & Hillside.

Because this letter was delivered in the afternoon of Wednesday, November 27th, time was not available to prepare a report.

It is suggested that the City Council receive this letter and refer it to staff for a report at the December 16, 1985 City Council meeting.

jt

Mr. Paul Swanstrom
505 McNamara
November 27, 1985

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

Dear Mr. Brown:

This letter concerns my property offically described as Lot 6, Block 1, Country Estates Addition. This lot is located on West 15th Street at the intersection of Hillside and 15th. I have owned this property since June of 1975.

The City of Hastings received an easement (Document #27790 dated July 24, 1962) along the West side of my property for construction of sanitary sewer and probably a storm sewer. I say probably, because the document has been lost and the City doesn't have their copy either. No drawings are available.

My concern is over the outlet of the storm sewer. The sewer ends 15 feet short of the back of my property and discharges in the direction of the golf course. Due to the construction of the fence and probable changing of the grade by the golf course, the ditch has been slowly filling in with sand and debris from the storm sewer.

The City was made aware of the silting problem by a potential buyer of my property. A city crew went out to the lot and without my permission dug a ditch laterally along the back of my property at a right angle to the discharge. They also dug out two Amur Maple trees which I had planted 8 years ago. Mind you, all this was done without an easement or my consent. Now my buyer is backing out of the sale.

I want the storm sewer extended to the end of my property with concrete pipes or metal culvert and the land returned to its original grade. I want the sand and debris removed and the area seeded. I expect the trees to be replaced with ones of comparable worth.

The present situation is totally unacceptable and has caused a delay in the sale of the property. If the sale falls apart, I will sue the City for the full sale price of the property, plus costs, and until the matter is resolved and the buyer closes on the property, I am losing over \$260.00 a month in interest as a direct result of the City's irresponsible actions.

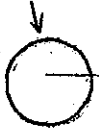
Sincerely,



Paul Swanstrom

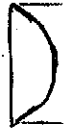
↑ S

SANITARY
SEWER
MANHOLE



WEST PROPERTY LINE

STORM SEWER



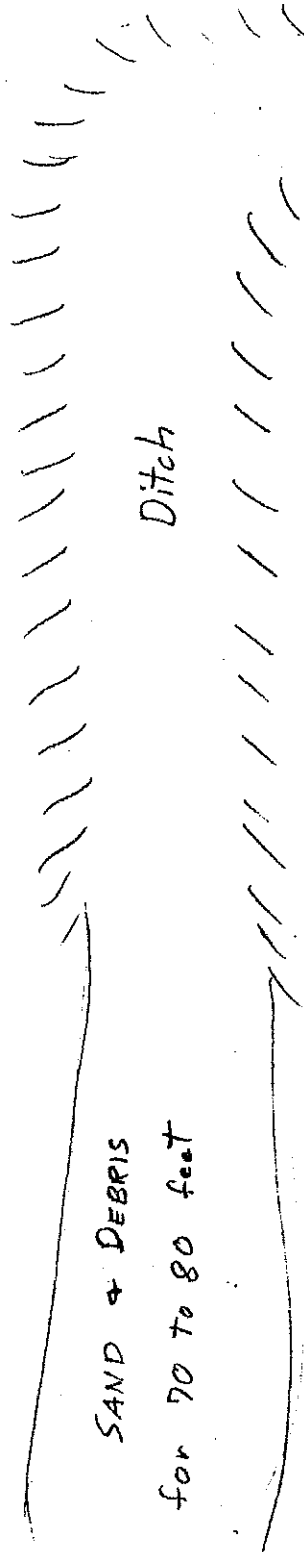
Discharge
should be
HERE



GOLF COURSE

FENCE

PROPERTY LINE



Ditch

SAND & DEBRIS
for 70 to 80 feet

Information

MEMO

DATE: NOVEMBER 27, 1985

TO: MAYOR AND COUNCIL

FROM: GARY E. BROWN *GEB*

SUBJECT: HAVEN HOMES

At 10:00 a.m. Wednesday morning November 27, Reverend Les Fair called and requested that his request for a special use permit be pulled from the December 2, 1985 agenda.

jt



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

November 27, 1985

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
100 Sibley Street
Hastings, Minnesota 55033

Re: Proposed Ordinance Amendment - Temporary Beer License

Dear Mayor and City Council Members:

We were requested to outline for the Council the impact upon temporary beer licensees of the proposed ordinance amendment of the insurance requirement for wine and non-intoxicating malt liquor licenses. At the December 2, 1985, meeting, the Council will be having the third reading of the proposed amendment to allow wine and non-intoxicating malt liquor licensees who had sales of less than \$10,000.00 in the previous year to be exempt from providing proof of insurance.

This proposed ordinance will apply to licensees who not only hold annual wine and non-intoxicating malt liquor licenses but also to holders of a temporary beer license. This means that organizations seeking a temporary beer license for some civic occasion such as Rivertown Days would not be required to provide proof of insurance if they had beer sales of less than \$10,000.00 in the previous year.

An exception to this would be for organizations using the Veterans Park softball complex. The City has adopted regulations regarding the use of that Park. These regulations require that anyone desiring to sell beer at the complex must provide proof of insurance before being allowed to sell beer at that complex.

We are not aware of any other written regulations the City has regarding the use of any other parks or City facilities. Accordingly, except for Veterans Park, under the proposed amendment an applicant for a temporary beer license who had sales of less than \$10,000.00 in the previous year would not have to provide proof of insurance before receiving a temporary beer license.

Very truly yours,

CITY OF HASTINGS, by

Shawn M. Moynihan
Shawn M. Moynihan
Assistant City Attorney

SMM/bap



STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
SAINT PAUL 55155

REAL ESTATE MANAGEMENT DIVISION
G-22 ADMINISTRATION BLDG.

TEL. NO. 296-6674

November 18, 1985

Gary E. Brown, P.E.
City Administrator/Clerk
City of Hastings
100 Sibley Street
Hastings, Minnesota 55033

Dear Mr. Brown:

The Real Estate Management Division has received three appraisals of property surplus to the needs of the Department of Veterans Affairs in Hastings, Minnesota.

The appraisals consist of the following three estimated market values:

1. \$569,000.00
2. \$520,000.00
3. \$353,000.00 (later amended by letter dated November 7, 1985, to \$282,000.00)

The cost of conducting the appraisals and the review appraisal is \$3,015.83.

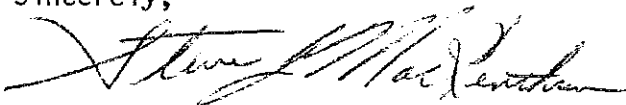
Accordingly, I ask that you consider this letter to be the State's offer to sell to the City of Hastings approximately 74.3 acres of land for industrial purposes. The consideration will be \$282,000.00 which is the fair market value defined in Laws 1985, Chapter 61. Adding the cost of appraisal services, the total cost to the City of Hastings is \$285,015.83.

The process of conveying the property to the city may begin upon the receipt in this office of the city's check payable to the State of Minnesota in the amount of \$285,015.83. The instrument of conveyance will be a quit claim deed drafted by the State Attorney General.

Gary E. Brown
November 15, 1985
Page two

Please feel free to phone this office regarding any information you may wish to have in regard to this transaction. Should you wish to meet on this topic, I would welcome the opportunity to meet with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve J. Mackenthun".

Steve J. Mackenthun
Real Estate Analyst

SJM/pk

cc: James L. Pederson, Ass't Commissioner, DOA
Jeffrey Olson, Deputy Commissioner, Dept. of Veterans Affairs