

A. Public Works

B. Planning

1. Ordinance Amendment—Rezone Property from A-Agriculture and R-3 Medium High Density to C-1 General Commerce (1026 North Frontage Road)
2. Resolution—Site Plan: Slapnicher Eye Clinic (1026 North Frontage Road)
3. Ordinance Amendment—Amend Ordinance 10.08 (signs)
4. Resolution—Sign Variance: Landform Engineering/Wendy's (1316 South Frontage Road)
5. Resolution—Special Use Permit Renewal: Soil Processing—Barton Sand & Gravel (2445 Glendale Road)
6. Resolution—Special Use Permit Renewal: Hot Mix Asphalt—Commercial Asphalt (2445 Glendale Road)
7. Resolution—Variance: Sideyard Setback—Mike Judge (115 Grove Street)
8. Resolution—Home Relocation: Camegaran, LLC (821 Vermillion Street to 214 East 8th Street)

C. Administration

1. Ordinance Amendment—Prohibiting Glass Beverage Containers in City Parks

IX. COMMENTS FROM AUDIENCE:

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMEMBERS:

XIII. ADJOURNMENT:

Next Regular City Council Meeting on Tuesday, February 18, 2003

Hastings, Minnesota
January 21, 2003

The City Council of the City of Hastings, Minnesota met in a regular meeting on Tuesday, January 21, 2003 at 7:00 p.m. in the City Hall Council Chambers, 101 4th Street East, Hastings, Minnesota.

Members Present: Councilmembers Hazlet, Hicks, Schultz, and Yandrasits
Mayor Werner

Members Absent: Councilmember Moratzka and Riveness

Staff Members Present: David Osberg, City Administrator;
Shawn Moynihan, City Attorney;
Melanie Mesko Lee, Administrative Assistant/City Clerk;
Tom Montgomery, Public Works Director;
John Hinzman, Planning Director

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of January 6, 2003. Councilmember Hicks noticed a typo on a vote count taken. The minutes were approved with that one correction.

Council Items to be Considered

City Attorney Moynihan stated that there are some minor changes to the proposed Schoolhouse Square development Agreement, and that staff recommends approval with the minor amendments.

Consent Agenda

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet, to approve the Consent Agenda as amended.
5 Ayes; Nays, None.

1. Pay Bills As Audited
2. Resolution—Approve On-Sale & Sunday Liquor License for Las Margaritas
3. 2002/2003 Budget Adjustments
4. Development Agreement—Schoolhouse Square
5. Reappoint Planning Commission Members (Greil & Hollenbeck)
6. Reappoint HRA and HPC Commission Members
7. *Item was removed from agenda*
8. Reappoint NRRC Commission Members (Christianson & Brown)
9. First Reading/Schedule Public Hearing—Rezone Property from A-Agriculture and R-3 Medium High Density Residence to C-1 General Commerce (1026 North Frontage Road)
10. First Reading/Schedule Public Hearing—Amend Ordinance 10.08 (Signs)
11. 2003 Council Committees
12. 2003 CDBG Application
13. 2003 Council/Staff Workshop

- 14. First Reading/Schedule Public Hearing—Park Ordinance Amendment: Prohibiting Glass Beverage Containers
- 15. Standby Operator Wages
- 16. Resolution—Acknowledging the Sufficiency of the Petitions for the 2003-6 General Sieben Drive Extension Improvements
- 17. Resolution—Approving Two One-Day Raffle Permit Requests for St. Elizabeth Ann Seton School (February 9, 2003 and April 25, 2003)

Copy of resolutions on file.

Public Improvement Hearing—Project 2003-6: General Sieben Drive Extension

Mayor Werner opened the public hearing at 7:02 p.m. Public Works Director Montgomery provided a brief summary of the proposed improvements. Montgomery stated that this is a petitioned project, which requires five votes of the Council. Hearing no further comments, Mayor Werner closed the public hearing at 7:04 p.m.

Resolution-Order Improvement for Project 2003-6: General Sieben Drive Extension

Moved by Councilmember Schultz, seconded by Councilmember Hicks to approve the resolution as presented.

5 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Budget Reduction

Moved by Councilmember Hazlet, seconded by Councilmember Hicks to approve the resolution as presented.

5 Ayes; Nays, none.

Copy of resolution on file.

City Hall Roof Repair Engineering and Architect

Moved by Councilmember Yandrasits, seconded by Councilmember Hicks to approve the repair as presented.

5 Ayes; Nays, none.

Final Payment—Gartner Refrigeration Contract

Moved by Councilmember Yandrasits, seconded by Councilmember Schultz to approve the final payment in the amount of \$5,775 as presented.

5 Ayes; Nays, none.

Adjournment

Moved by Councilmember Hazlet, seconded by Councilmember Hicks to adjourn the meeting at 7:10 p.m.

5 Ayes; Nays, None.

ATTEST

Mayor

City Clerk

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	1,120.84
	REGINA MEDICAL CENTE	JAN WELLNESS	96.14
		Total for Department 000	1,216.98*
COUNCIL AND MAYOR	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	54.68
		Total for Department 102	54.68*
ADMINISTRATION	BOISE CASCADE OFFICE	OFFICE SUPPLIES	86.28
ADMINISTRATION	FORTIS BENEFITS INS	FEB LTD PREMIUM	51.36
ADMINISTRATION	LASERSHARP, INC.	FAX MACHINE CARTRIDGE	101.18
ADMINISTRATION	LASERSHARP, INC.	LASER CARTRIDGE	91.59
ADMINISTRATION	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	20.25
ADMINISTRATION	S & T OFFICE PRODUCT	OFFICE SUPPLIES	198.51
		Total for Department 105	549.17*
CITY CLERK	FORTIS BENEFITS INS	FEB LTD PREMIUM	15.84
CITY CLERK	MESKO LEE, MELANIE	JAN EXPENSES	47.40
CITY CLERK	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	5.35
		Total for Department 107	68.59*
FINANCE	FORTIS BENEFITS INS	FEB LTD PREMIUM	178.54
FINANCE	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	32.40
FINANCE	WEBSTER, LORI A.	EXPENSES	34.08
		Total for Department 120	245.02*
MAINTENANCE	ELECTRO WATCHMAN, IN	SERVICE/RECONNECT PHONE	93.00
MAINTENANCE	FORTIS BENEFITS INS	FEB LTD PREMIUM	13.46
MAINTENANCE	MINNEGASCO, ACCT'S PA	JAN GAS	3,156.94
MAINTENANCE	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	8.10
MAINTENANCE	T.D.'S CLEANING	JAN SERVICES	1,150.80
MAINTENANCE	TOWER CLEANING SYSTE	JAN SERVICES	1,196.21
MAINTENANCE	TWIN CITY GARAGE DOO	GARAGE DOOR WINDOWS	59.92
MAINTENANCE	XCEL ENERGY	JAN ELECTRICITY	2,208.45
		Total for Department 140	7,886.88*
PLANNING	FORTIS BENEFITS INS	FEB LTD PREMIUM	40.47
PLANNING	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	15.80
		Total for Department 150	56.27*
M.I.S.	EXECUTRAIN	ON-LINE COMPUTER TRAININ	1,364.00
M.I.S.	FORTIS BENEFITS INS	FEB LTD PREMIUM	27.05
M.I.S.	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	8.10
M.I.S.	NORNES, STEPHANIE	WINZIP SOFTWARE	30.89
		Total for Department 160	1,430.04*
POLICE	ASSN OF MN EMERGENCY	DUBS / MCMENOMY & KEGLEY	130.00
POLICE	CAPITOL COMMUNICATIO	REPAIR RADIO EQUIP	393.71
POLICE	DE LAGE LANDEN FINAN	DICTATION SERVICE	290.05
POLICE	FORTIS BENEFITS INS	FEB LTD PREMIUM	480.89
POLICE	HASTINGS BUS CO	TRANSPORT DARE STUDENTS	399.75
POLICE	HASTINGS FORD-JEEP-E	REPAIR / SQUAD 1411	208.61

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
POLICE	HICKS WAYNE	LUNCH/ DARE SPEAKERS & S	143.83
POLICE	KEEPRS	BODY ARMOR / RESERVE MEM	4,967.00
POLICE	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	234.89
POLICE	NEXTEL COMMUNICATION	CELL PHONE	844.69
POLICE	RIVERBEND PET CLINIC	DISPOSAL	47.00
POLICE	SCHARFE, STEVEN	TRAINING/CENTURY COLLEGE	89.00
POLICE	SUPERIOR WIRELESS OF	NEXTEL SQUAD ITEMS	111.78
POLICE	SUPERIOR WIRELESS OF	PHONE REPAIR	37.28
POLICE	TROPHIES PLUS	PLAQUES/ CITIZEN AWARDS	104.26
POLICE	UNIFORMS UNLIMITED	UNIFORM SHIRTS/ KEGLEY	47.70
	Total for Department 201		8,530.44*
BUILDING AND INSPECT	FORTIS BENEFITS INS	FEB LTD PREMIUM	88.73
BUILDING AND INSPECT	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	40.50
	Total for Department 230		129.23*
PUBLIC WORKS	BARR ENGINEERING CO.	WALLIN CLOMR	550.00
PUBLIC WORKS	BDM CONSULTING ENGIN	PLEASANT ACRES	144.00
PUBLIC WORKS	BDM CONSULTING ENGIN	PLEASANT ACRES PLAN REVI	72.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RIVERWOOD GRADING	625.50
PUBLIC WORKS	FIELDWORKS	CHECK / ADJUST TOTAL STA	95.00
PUBLIC WORKS	FORTIS BENEFITS INS	FEB LTD PREMIUM	239.72
PUBLIC WORKS	GRAPHIC DESIGN	EGGER/ BUS CARDS	53.25
PUBLIC WORKS	INTERSTATE DETROIT D	SEAL ASSEMBLY	18.03
PUBLIC WORKS	INTERSTATE DETROIT D	SHIPPING	5.74
PUBLIC WORKS	MIKISKA, BRAD	EXPENSES	156.88
PUBLIC WORKS	MINNEGASCO,ACCT'S PA	JAN GAS	854.44
PUBLIC WORKS	MN STREET SUPERVISOR	MEMBERSHIP RENEWAL	25.00
PUBLIC WORKS	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	125.28
PUBLIC WORKS	MONTGOMERY, THOMAS	EXPENSES	83.41
PUBLIC WORKS	NEXTEL COMMUNICATION	WIRELESS CHARGES	348.41
PUBLIC WORKS	WALMART COMMUNITY BR	BATTERIES	5.19
PUBLIC WORKS	WALMART COMMUNITY BR	BATTERIES / TIDE	54.88
PUBLIC WORKS	WALMART COMMUNITY BR	HAND WARMERS	4.20
PUBLIC WORKS	WALMART COMMUNITY BR	PLANNER / PAPER/ SUPPLIE	60.63
PUBLIC WORKS	XCEL ENERGY	JAN ELECTRICITY	13,285.80
	Total for Department 300		16,807.36*
PARKS AND RECREATION	FORTIS BENEFITS INS	FEB LTD PREMIUM	6.97
PARKS AND RECREATION	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	4.05
	Total for Department 401		11.02*
	Total for Fund 101		36,985.68*
PARKS AND RECREATION	FORTIS BENEFITS INS	FEB LTD PREMIUM	98.62
PARKS AND RECREATION	KIMBALL-MIDWEST	SCREWS / WASHERS/ TIES	293.60
PARKS AND RECREATION	KROMER CO.	FILTERS / CABLES/ PLUGS	166.46
PARKS AND RECREATION	MINNEGASCO,ACCT'S PA	JAN GAS	2,591.25
PARKS AND RECREATION	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	52.65
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE	268.50

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	WALMART COMMUNITY BR	THERMOMETER / BATTERIES	42.58
PARKS AND RECREATION	XCEL ENERGY	JAN ELECTRICITY	1,486.01
	Total for Department 401		4,999.67*
	Total for Fund 200		4,999.67*
PARKS AND RECREATION	FORTIS BENEFITS INS	FEB LTD PREMIUM	23.17
PARKS AND RECREATION	MINNEGASCO,ACCT'S PA	JAN GAS	183.39
PARKS AND RECREATION	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	11.10
PARKS AND RECREATION	XCEL ENERGY	JAN ELECTRICITY	150.95
	Total for Department 401		368.61*
	Total for Fund 201		368.61*
HERITAGE PRESERVATIO	FORTIS BENEFITS INS	FEB LTD PREMIUM	2.48
HERITAGE PRESERVATIO	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	.81
	Total for Department 170		3.29*
	Total for Fund 210		3.29*
	REGINA MEDICAL CENTE	JAN WELLNESS	300.00
	Total for Department 000		300.00*
FIRE	ANCOM COMMUNICATIONS	PAGER REPAIRS	139.29
FIRE	ASPEN MILLS	UNIFORMS	243.00
FIRE	FAIR OFFICE WORLD	OFFICE SUPPLIES	7.99
FIRE	FORTIS BENEFITS INS	FEB LTD PREMIUM	220.13
FIRE	GREEN, THOMAS D	FIREFIGHTING GLOVES	106.50
FIRE	GRAPHIC DESIGN	OFFICE SUPPLIES	52.19
FIRE	METRO FIRE, INC.	REPAIR PART	45.00
FIRE	MINNEGASCO,ACCT'S PA	JAN GAS	1,978.12
FIRE	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	105.30
FIRE	REGINA MEDICAL CENTE	MANTOUX TEST/SELESKI	10.00
FIRE	WALMART COMMUNITY BR	CALENDAR	5.20
FIRE	WALMART COMMUNITY BR	STATION SUPPLIES	191.11
FIRE	WALMART COMMUNITY BR	TAPE CARTRIDGES	41.73
FIRE	WHITEWATER WIRELESS,	BASE RADIO REPAIRS	1,068.20
FIRE	WHITEWATER WIRELESS,	PROGRAMMING	294.00
FIRE	XCEL ENERGY	JAN ELECTRICITY	741.84
	Total for Department 210		5,249.60*
	Total for Fund 213		5,549.60*
EQUIPMENT REVOLVING	ALEX AIR APPARATUS I	AIR BAGS	6,363.91
EQUIPMENT REVOLVING	BRIGGS & MORGAN	PROF SERVICES/2002D GO E	2,010.32
EQUIPMENT REVOLVING	WHITEWATER WIRELESS,	TECH LABOR/FIRE RADIO SY	261.00
	Total for Department 800		8,635.23*
	Total for Fund 403		8,635.23*

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
HOUSING AND REDEVELO	FORTIS BENEFITS INS	FEB LTD PREMIUM	22.66
HOUSING AND REDEVELO	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	7.70
	Total for Department 500		30.36*
	Total for Fund 404		30.36*
ECONOMIC DEVELOPMENT	FORTIS BENEFITS INS	FEB LTD PREMIUM	4.67
ECONOMIC DEVELOPMENT	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	1.62
	Total for Department 180		6.29*
	Total for Fund 407		6.29*
PUBLIC WORKS	BRAUN INTERTEC	VERMILLION RIVER BRIDGE	14,240.00
PUBLIC WORKS	BRIGGS & MORGAN	PROF SERVICES/2002C GO I	5,024.82
PUBLIC WORKS	SEH ENGINEERS	10TH / HWY 61	385.32
PUBLIC WORKS	SEH ENGINEERS	GLENDAL HTS TRAFFIC STU	2,154.99
PUBLIC WORKS	THREE RIVERS CONSTRU	PAY ESTIMATE LESS RETAIN	29,391.10
	Total for Department 300		51,196.23*
	Total for Fund 492		51,196.23*
PUBLIC WORKS	AGGREGATE INDUSTRIES	LIMEROCK	443.05
PUBLIC WORKS	BARR ENGINEERING CO.	LABOR	631.50
PUBLIC WORKS	BUMPER TO BUMPER	SEALS	6.37
PUBLIC WORKS	CONNELLY INDUSTRIAL	LABOR	3,374.92
PUBLIC WORKS	FORTIS BENEFITS INS	FEB LTD PREMIUM	117.97
PUBLIC WORKS	GRAPHIC DESIGN	ENVELOPES	446.24
PUBLIC WORKS	HASTINGS AUTO BODY,	REPAIR WINDOW	65.00
PUBLIC WORKS	MINNEGASCO,ACCT'S PA	JAN GAS	1,451.82
PUBLIC WORKS	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	54.00
PUBLIC WORKS	NAT'L WATERWORKS	CLAMPS	795.35
PUBLIC WORKS	NAT'L WATERWORKS	COUPLINGS / GREASE/ GASK	519.07
PUBLIC WORKS	NAT'L WATERWORKS	METER CONNECTIONS/ PORTS	898.67
PUBLIC WORKS	NAT'L WATERWORKS	METERS	11,080.00
PUBLIC WORKS	NAT'L WATERWORKS	METERS / MXU UNITS	13,000.00
PUBLIC WORKS	NAT'L WATERWORKS	MULTI PORT EXPANDER	199.28
PUBLIC WORKS	NAT'L WATERWORKS	RING CLAMPS	21.76
PUBLIC WORKS	NEXTEL COMMUNICATION	CELL PHONE	365.21
PUBLIC WORKS	REGINA MEDICAL CENTE	JAN WELLNESS	40.00
PUBLIC WORKS	RIVERTOWN EYE CLINIC	SAFETY GLASSES/ZGODA	216.00
PUBLIC WORKS	SEH ENGINEERS	MISC GIS PROJ	1,277.00
PUBLIC WORKS	T.D.'S CLEANING	JAN SERVICES	319.50
PUBLIC WORKS	WESTBURNE SUPPLY INC	PIPE FITTINGS	192.36
PUBLIC WORKS	XCEL ENERGY	JAN ELECTRICITY	7,251.45
	Total for Department 300		42,766.52*
	Total for Fund 600		42,766.52*
PUBLIC WORKS	FORTIS BENEFITS INS	FEB LTD PREMIUM	49.41
PUBLIC WORKS	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	21.60

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	REGINA MEDICAL CENTE	JAN WELLNESS	10.00
PUBLIC WORKS	XCEL ENERGY	JAN ELECTRICITY	876.32
	Total for Department 300		957.33*
	Total for Fund 601		957.33*
CITY CLERK	FORTIS BENEFITS INS	FEB LTD PREMIUM	39.11
CITY CLERK	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	23.00
	Total for Department 107		62.11*
	Total for Fund 610		62.11*
PARKS AND RECREATION	BONESTROO & ASSOC	NOV/DEC PROF SERVICES	390.00
PARKS AND RECREATION	DALCO	JANITOR SUPPLIES	21.76
PARKS AND RECREATION	DIPPIN DOTS, INC.	5 BOXES	455.00
PARKS AND RECREATION	EZ SHARP INC.	SKATE HOLDER / 3 DIAMOND	303.89
PARKS AND RECREATION	FIRST LINE BEVERAGES	CONCESSION SUPPLIES	451.25
PARKS AND RECREATION	FIRST LINE BEVERAGES	RETURN	-136.05
PARKS AND RECREATION	FORTIS BENEFITS INS	FEB LTD PREMIUM	55.72
PARKS AND RECREATION	FRITZ CO. INC.	CONCESSION SUPPLIES	138.66
PARKS AND RECREATION	MINNEGASCO, ACCT'S PA	JAN GAS	5,231.49
PARKS AND RECREATION	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	21.30
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE	149.90
PARKS AND RECREATION	R & R SPECIALITIES,	6 BLADE SHARPS/ GRINDS	122.81
PARKS AND RECREATION	REGINA MEDICAL CENTE	JAN WELLNESS	33.86
PARKS AND RECREATION	SYSCO, MINNESOTA	CONCESSION SUPPLIES	471.88
PARKS AND RECREATION	THERMOGAS CO OF HAST	7 FILLS	104.37
PARKS AND RECREATION	THERMOGAS CO OF HAST	8 FILLS	119.28
PARKS AND RECREATION	XCEL ENERGY	JAN ELECTRICITY	11,142.49
	Total for Department 401		19,077.61*
	Total for Fund 615		19,077.61*
PUBLIC WORKS	FORTIS BENEFITS INS	FEB LTD PREMIUM	13.78
PUBLIC WORKS	GEMS SENSORS INC	VALVES	1,613.77
PUBLIC WORKS	HEUSSER, JAMES	FAST CURE SEALANT	27.67
PUBLIC WORKS	LOVEGREEN TURBINE SE	SHAFT SEAL REPAIR	1,142.22
PUBLIC WORKS	MCMAMARA WILLIAM	SEALANT	76.62
PUBLIC WORKS	MINNESOTA MUTUAL	FEB LIFE INS PREMIUM	8.09
PUBLIC WORKS	NORTH AMERICAN HYDRO	RELAYS/ METERS/ FREIGHT	2,279.01
PUBLIC WORKS	PHILADELPHIA GEAR CO	REPAIR GEAR BOX	10,330.00
PUBLIC WORKS	POWER ENGINEERING &	GEAR BOX REPAIR	89,268.00
PUBLIC WORKS	XCEL ENERGY	JAN ELECTRICITY	5,598.13
	Total for Department 300		110,357.29*
	Total for Fund 620		110,357.29*
	Grand Total		280,995.82*

February 3, 2003

APPROVED:

City Administrator

Finance Director

Councilmember Hazlet

Councilmember Riveness

Councilmember Schultz

Councilmember Moratzka

Councilmember Hicks

Councilmember Yandrasits

Mayor Werner

CITY OF HASTINGS
101 4TH Street East
Hastings, MN 55033-1955
651/437-4127

Memo

To: City Council
From: Becky Kline
Finance Department
Date: 01/28/2003

The attached Department Report itemizes vouchers that were paid on January 28, 2003.

Thank you.

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Ranges: Fund: (A)
 Dept Id: (A)
 Program: (A)
 Vendor #: (A)
 Invoice #: (A)
 Schedule Journal #: (R) 5376 - 5376
 Bank #: (A)

Options: Print Ranges/Options: Y # of copies: 1
 Page on Department: N

Department	Vendor Name	Description	Amount
COUNCIL AND MAYOR	FILTERFRESH	COFFEE SERVICE	180.00
	Total for Department 102		180.00*
ADMINISTRATION	GRAPHIC DESIGN	BLANK WIND ENVELOPES	67.10
ADMINISTRATION	IOS CAPITAL	QUAARTERLY MAINT CHARGE	1,104.74
ADMINISTRATION	UNITED STATES POSTAL	POSTAGE	2,009.50
	Total for Department 105		3,181.34*
CITY CLERK	ALLINA MEDICAL CLINI	EGGER/ PRE-EMPLOYMENT	113.00
CITY CLERK	ALLINA MEDICAL CLINI	SCHUTT/ RANDOM DRUG	30.00
CITY CLERK	HASTINGS STAR GAZETT	LEGAL NOTICE/GENL SIEBEN	88.80
CITY CLERK	MIDTOWN FOOD CENTER	REFUND DUPLICATE PAY/CIG	100.00
	Total for Department 107		331.80*
MAINTENANCE	ASSN FOR FACILITIES	KUSANT / MEMBERSHIP	215.00
MAINTENANCE	CHEMSEARCH	SUPPLIES	209.21
MAINTENANCE	CRAMER BLDG SERVICE	SERVICE CONTRACT	278.00
MAINTENANCE	CRAWFORD DOOR CO.	GARAGE DOOR PARTS	37.22
MAINTENANCE	GRAINGER, W.W. INC.	GENERAL SUPPLIES	84.99
MAINTENANCE	MAINTENANCE ENGINEER	LAMPS	570.79
MAINTENANCE	ORKIN PEST CONTROL	JAN SERVICE	87.79
MAINTENANCE	REIS, INC	SUPPLIES	38.15
MAINTENANCE	R & O ELEVATOR CO. I	FEB SERVICE	154.20
MAINTENANCE	SCHOMMER, ROBERT G	FINAL BILL	8,500.00
MAINTENANCE	TOXALERT, INC.	CO & CO2 DETECTOR CALIBR	292.50
	Total for Department 140		10,467.85*
POLICE	ANCOM COMMUNICATIONS	RADIO PROGRAMMING	15.00
POLICE	BOISE CASCADE OFFICE	OFFICE SUPPLIES	38.46
POLICE	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	1,608.48
POLICE	DAKOTA COUNTY TECH C	TRAINING CONSORTUM	9,375.00
POLICE	ARCH WIRELESS	PAGER LEASE	465.78
POLICE	SHAMROCK ANIMAL CLIN	ANIMAL POUND STORAGE	84.08
	Total for Department 201		11,586.80*
BUILDING AND INSPECT	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	110.23
	Total for Department 230		110.23*
PUBLIC WORKS	ANDERSEN, E.F. & ASS	SIGNS	317.80
PUBLIC WORKS	CONTINENTAL SAFETY	SAFETY HELMETS / EAR MUF	309.84

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	861.00
PUBLIC WORKS	HATCH SALES CO.	RAIN SUITS / FLASHERS /	397.99
PUBLIC WORKS	MACQUEEN EQUIPMENT,	LABOR / MILEAGE	456.22
PUBLIC WORKS	MACQUEEN EQUIPMENT,	STROBE LIGHT SWITCH	59.67
PUBLIC WORKS	SHERWIN-WILLIAMS	CONTRACTOR CREDIT	-6.39
PUBLIC WORKS	SHERWIN-WILLIAMS	PAINT / THINNER	54.50
PUBLIC WORKS	TERRY'S ACE HARDWARE	FASTENERS / TOOL BINS	19.17
PUBLIC WORKS	TERRY'S ACE HARDWARE	LINE TRIMMER	5.30
PUBLIC WORKS	TERRY'S ACE HARDWARE	NIPPLES / DRILL BITS	13.39
PUBLIC WORKS	TERRY'S ACE HARDWARE	NIPPLES / PLUGS	45.42
PUBLIC WORKS	TERRY'S ACE HARDWARE	SHIELDS / BOLTS	6.61
		Total for Department 300	2,540.52*
		Total for Fund 101	28,398.54*
PARKS AND RECREATION	BERRY COFFEE	COFFEE	17.00
PARKS AND RECREATION	C. EMERY NELSON, INC	V-BELTS	51.99
PARKS AND RECREATION	IOS CAPITAL	QUARTERLY MAINT CHARGE	517.59
		Total for Department 401	586.58*
		Total for Fund 200	586.58*
PARKS AND RECREATION	ALLINA MEDICAL CLINI	SHECK/ HEP B VACCINATION	50.00
		Total for Department 401	50.00*
		Total for Fund 201	50.00*
HERITAGE PRESERVATIO	IOS CAPITAL	QUARTERLY MAINT CHARGE	522.67
		Total for Department 170	522.67*
		Total for Fund 210	522.67*
FIRE	AMERIPRIDE LINEN & A	LINEN SERVICE	26.63
FIRE	CAP.CITY REG.FIRE AS	2003 DUES	50.00
FIRE	CARLSON AUTO TRUCK I	REPAIRS 1494	170.87
FIRE	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	599.24
FIRE	GERRY'S FIRE PROTECT	FIRE EXTINGUISHER SERVIC	33.02
FIRE	HASTINGS VEHICLE REG	TAX EXEMPT LIC PLATE/TAB	14.00
FIRE	IOS CAPITAL	QUARTERLY MAINT CHARGE	541.49
FIRE	INT'S ASSN OF FIRE C	2003 DUES	200.00
FIRE	MN STATE FIRE CHIEFS	2003 DUES	80.00
FIRE	WAKOTA MUTUAL FIREMA	2003 DUES	25.00
FIRE	WAKOTA CAER	2003 MEMBERSHIP DUES	20.00
FIRE	WHITEWATER WIRELESS,	SERVICE	69.60
		Total for Department 210	1,829.85*
AMBULANCE	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	374.53
AMBULANCE	MN AMBULANCE ASSOCIA	2003 DUES	600.00
AMBULANCE	PRAXAIR DISTRIBUTION	OXYGEN SERVICE	120.51
AMBULANCE	REGINA MEDICAL CENTE	AMBULANCE SUPPLIES	336.83

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 220	1,431.87*
		Total for Fund 213	3,261.72*
PARKS AND RECREATION	BARR ENGINEERING CO.	UNDERPASS TRAIL	667.17
PARKS AND RECREATION	HOISINGTON KOEGLER G	PIONEER PARK/ PLANNING	182.50
PARKS AND RECREATION	INGRAHAM & ASSOCIATE	DESIGN SERVICES	2,580.24
		Total for Department 401	3,429.91*
		Total for Fund 401	3,429.91*
EQUIPMENT REVOLVING	COMPAQ COMPUTER CORP	SERVER / PARKS	2,045.87
EQUIPMENT REVOLVING	COMPAQ COMPUTER CORP	SERVER/ PUBLIC WORKS	2,045.87
		Total for Department 800	4,091.74*
		Total for Fund 403	4,091.74*
PUBLIC WORKS	DPC INDUSTRIES, INC.	FLOURIDE	378.90
PUBLIC WORKS	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	402.02
PUBLIC WORKS	ECOLAB PEST ELIM.DIV	ODOR UNITS	11.72
PUBLIC WORKS	IOS CAPITAL	QUARTERLY MAINT CHARGE	593.95
PUBLIC WORKS	OTTO EXCAVATING, INC	WATERMAIN REPAIR	1,516.00
PUBLIC WORKS	SOLBERG AGGREGATE CO	LIMEROCK	458.17
PUBLIC WORKS	TERRY'S ACE HARDWARE	SAW / FITTING	6.48
PUBLIC WORKS	TERRY'S ACE HARDWARE	SPOT LIGHT	12.77
PUBLIC WORKS	TERRY'S ACE HARDWARE	SUPPLIES	54.64
PUBLIC WORKS	TERRY'S ACE HARDWARE	THERMOMETER	7.44
PUBLIC WORKS	TWIN CITY WATER CLIN	BACTERIA ANALYSIS DEC	160.00
PUBLIC WORKS	VECTOR INTERNET SERV	INTERNET SERVICES	12.37
		Total for Department 300	3,614.46*
		Total for Fund 600	3,614.46*
PUBLIC WORKS	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	65.26
PUBLIC WORKS	TERRY'S ACE HARDWARE	FITTINGS	5.26
		Total for Department 300	70.52*
		Total for Fund 601	70.52*
CITY CLERK	DAKOTA COUNTY TREAS-	DAKOTA CO FUEL DEC CHGS	1,048.93
		Total for Department 107	1,048.93*
		Total for Fund 610	1,048.93*
PARKS AND RECREATION	DIPPIN DOTS, INC.	4 BOXES	351.00
PARKS AND RECREATION	DIPPIN DOTS, INC.	5 BOXES	455.00
PARKS AND RECREATION	ELECTRONIC COMMUNICA	PA SYSTEM REPAIRS	675.08
PARKS AND RECREATION	FARMER BROS CO.	COFFEE / CIDER	522.34
PARKS AND RECREATION	FIRST LINE BEVERAGES	CONCESSION SUPPLIES	429.40
PARKS AND RECREATION	GRAINGER, W.W. INC.	LAMPS / SIGN	111.44

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	MICKEY'S TAVERN	STYL PIZZA	139.50
PARKS AND RECREATION	MIDWEST COCA-COLA	BT POP SUPPLIES	350.00
PARKS AND RECREATION	SCHWAB - VOLHABER	- BLOWER WHEEL	528.24
PARKS AND RECREATION	SHERWIN-WILLIAMS	TAPE	53.29
PARKS AND RECREATION	SYSCO, MINNESOTA	CONCESSION SUPPLIES	1,024.19
PARKS AND RECREATION	SYSCO, MINNESOTA	SUPPLIES	-129.03
	Total for Department 401		4,510.45*
	Total for Fund 615		4,510.45*
PUBLIC WORKS	BRAUN PUMP & CONTROL	PUMP RENTALS	5,271.75
PUBLIC WORKS	COLT ELECTRIC INC.	LABOR / REPAIRS	2,766.95
PUBLIC WORKS	K.R. WEST CO. INC.	SUPPLIES	121.24
PUBLIC WORKS	LOVEGREEN TURBINE	SE LABOR	3,124.92
PUBLIC WORKS	NORTH AMERICAN HYDRO	LABOR / ADMINISTRATION /	34,630.96
PUBLIC WORKS	PORTABLE BARGE SERVI	BOAT / CRANE / RENTAL	44,735.00
PUBLIC WORKS	SHERWIN-WILLIAMS	PAINT / BRUSHES	304.21
PUBLIC WORKS	TERRY'S ACE HARDWARE	BLADE BAND	12.24
PUBLIC WORKS	TERRY'S ACE HARDWARE	NUTS / BOLTS	7.98
PUBLIC WORKS	TERRY'S ACE HARDWARE	RAGS / CLEANER/ SUPPLIES	36.44
PUBLIC WORKS	TERRY'S ACE HARDWARE	SUPPLIES	125.77
PUBLIC WORKS	WASTE MANAGEMENT	ROLOFF RENTAL	71.07
	Total for Department 300		91,208.53*
	Total for Fund 620		91,208.53*
	Grand Total		140,794.05*

MEMORANDUM

To: Mayor Werner and City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: January 30, 2003
Re: Approval of Tobacco License for Cub Foods

Recommended City Council Action:

Approve the tobacco license for Hastings 2002 LLC, d/b/a Cub Foods.

Background:

Cub Foods will be opening for business in the near future and have applied for a tobacco license for that establishment. Council is requested to approve the license, effective through December 31, 2003.

If you have any questions, please let me know.

Attachments:

Resolution.

None—application materials on file.

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 02-___-03

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HASTINGS
APPROVING A TOBACCO LICENSES
FOR HASTINGS 2002 LLC, D/B/A CUB FOODS**

WHEREAS, Hastings 2002 LLC has applied for a license to sell tobacco and tobacco-related paraphernalia within the City of Hastings at their Cub Foods store location; and

WHEREAS, the license year runs from January 1 to December 31; and

WHEREAS, Hastings 2002 LLC, d/b/a Cub Foods, has completed all of the required application materials and has submitted the required fees.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS;

That the Mayor and the City Clerk be authorized to sign licenses authorizing Hastings 2002 LLC, d/b/a Cub Foods to operate as a licensed tobacco establishment for the period of January 1—December 31, 2003, unless revoked by the City Council.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 3rd DAY OF FEBRUARY, 2003.

Ayes:

Nays:

Absent:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

MEMORANDUM

To: Mayor Werner and City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: January 30, 2003
Re: Issuance of Off-Sale 3.2% Beer License at Cub Foods, located at Lot 3,
Block 1 of the Hastings Marketplace West development

Council Action Requested:

Approve the issuance of an off-sale 3.2% beer license at Cub Foods, pending receipt of license fees and issuance of a certificate of occupancy by the City of Hastings.

Background Information:

The Council has approved an off-sale liquor license for Cub Discount Liquor, which is located next door to the Cub Foods store. Cub Foods has also requested an off-sale 3.2% beer license to sell 3.2% beer from the grocery store itself. This is permitted by City ordinance and is a separate license from the off-sale liquor license previously issued by the Council.

If you have any questions, please do not hesitate to contact me.

Attachments:

1. Resolution
Application materials on file

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 02- -03

**RESOLUTION APPROVING APPLICATION FOR
OFF-SALE LIQUOR LICENSE AT HASTINGS 2002 LLC, D/B/A CUB FOODS**

WHEREAS, Hastings 2002 LLC has presented application to the City of Hastings for an off-sale liquor license at the Cub Food Store, Hastings, Minnesota; and

WHEREAS, all necessary paperwork with the exclusion of workers compensation information has been received and a successful background check has been conducted by the Hastings Police Department on the officers of Midwest Liquors as well as the general managers of the proposed grocery store.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings that the Mayor and Administrative Assistant/City Clerk are authorized and directed to sign this resolution approving an off-sale liquor license at Cub Foods, pending the receipt of the off-sale liquor license fee.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS THIS 3rd DAY OF FEBRUARY, 2003.

Ayes:

Nays:

Absent:

Michael D. Werner, Mayor

Melanie Mesko Lee, Administrative Assistant/City Clerk

(SEAL)

MEMORANDUM

TO: Mayor Werner and City Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: January 30, 2003
RE: Mary Jo Anderson—Request for Unpaid Leave of Absence Extension

Council Action Requested:

Approval of Extension of Unpaid Leave of Absence

Background Information:

Mary Jo Anderson applied for and was approved to take an unpaid leave of absence from November 13, 2002 through February 7, 2003. As part of the approval, the City has started the process to obtain a second opinion with regards to Ms. Anderson's medical condition, which is at the City's cost. Due to scheduling conflicts with the medical personnel involved in the second opinion, the medical appointments will not be completed until Monday, February 3, 2003 and staff will not receive the doctors' recommendations until later that week at the earliest. Therefore, staff is requesting an extension of her leave request to March 5, 2003. Staff anticipates being able to have a final recommendation at the February 18 or March 3, 2003 Council meetings at the latest.

If you have any questions, please let me know.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: Industrial Park Board Re-appointment – John Lightbourn & Roger Thorkelson

REQUEST

The City Council is asked to approve the re-appointment of John Lightbourn and Roger Thorkelson to serve on the Industrial Park Board. The length of the term is three years, expiring on December 31, 2005.

Commissioner Lightbourn has served on the Board since January 1992, serving most of his time as Industrial Park Board Chair. Commissioner Thorkelson has served on the board since June, 2002. There is no term limit for Industrial Park Board Members.

Both Commissioners have provided excellent service to the City, and staff enthusiastically supports reappointment. Please see attached letters for further information.

REQUEST

- Letter from Roger Thorkelson

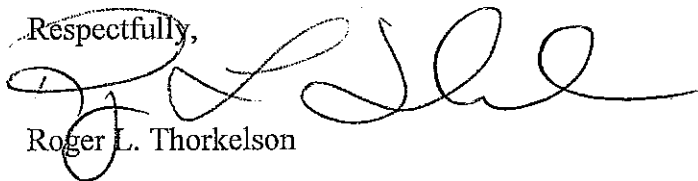
January 16, 2003

City of Hastings
Planning Department
101 - 4th Street East
Hastings, MN 55033-1955

RE: Industrial Park Board Reappointment

It is my intention to seek reappointment on the Hastings Industrial Park Board.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Thorkelson', written over the word 'Respectfully,'.

Roger L. Thorkelson

CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA
Resolution No.

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
PROJECT 2003-6, GENERAL SIEBEN DRIVE EXTENSION, AND
ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, pursuant to a resolution adopted by the City Council on January 21, 2003, the City Engineer has prepared plans and specifications Project 2003-6, General Sieben Drive Extension.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF HASTINGS AS FOLLOWS;**

1. Said plans and specifications prepared by the City Engineer are hereby approved.
2. The City Engineer shall prepare and cause to be inserted in the Hastings Star Gazette and in the Construction Bulletin an advertisement for bids for the construction of the previously approved Project 2003-6 General Sieben Dr. Extension in accordance with such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will opened and considered by the Council at 2:00 PM, Thursday, February 27, 2003 at Hastings City Hall, and that no bids will considered unless sealed and filed with the Clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the City of Hastings for 5% of the amount of each bid.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 3RD
DAY OF FEBRUARY, 2003.**

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, City Clerk

(Seal)

PROJECT PAY VOUCHER

**CITY OF HASTINGS
PAY VOUCHER**

Vendor #: T 00125
 Vendor Name: 3 Rivers Construction
 Remittance Address: _____

Date: 1.28.03
 Department: Eng
 Ordered by: Eng
 Authorized by: *Tom Montoya*
 (Signature Required)
 P.O. # (if used) _____

Invoice #	Project Number	Inv. Date	Description (40 characters)	Invoice SubTotal	Sales Tax (U or N)	Invoice Grand Total	Account #
18th Street	210002		Pay Est #7	4,348.60		4,348.60	492-300-3607-6590
Eddy Street	210003		"				
19th Street	210004		"	1,498.41		1,498.41	
Ashland Street	210005		"	19,830.00		19,830.00	
Southview Drive	210006		"	5,260.99		5,260.99	
	210002		Less Retainage	-1,546.90		-1,546.90	
Voucher Total:						29,391.10	

VI-7

Signed: _____ Date _____
 City Administrator (over \$5,000) Finance Director (over \$500)
 _____ Date _____

Pay Request #7	Dated January 27, 2003					
02-2 18th st reconstruction	Item	Unit	Unit Price	Partial Estimate	Total	
SAP 130-127-05				Quantity		
January,2003 Pay Request						
	Clearing	Tree	3000.00	0.00	\$0.00	
	Grubbing	Tree	2750.00	0.00	\$0.00	
	Remove Sewer Pipe	LF	8.00	0.00	\$0.00	
	Remove Concrete curb and gutter	LF	3.00	0.00	\$0.00	
	Remove Bit Curb	LF	1.00	0.00	\$0.00	
	Remove Concrete sidewalk	SY	10.00	0.00	\$0.00	
	Remove concrete drwy pavement	sy	1.50	0.00	\$0.00	
	Remove bit pavement	sy	1.50	0.00	\$0.00	
	Remove catch basin /manhole	Each	300.00	0.00	\$0.00	
	Common excavation	cy	6.00	0.00	\$0.00	
	Subgrade excavation	cy	5.00	0.00	\$0.00	
	Granular borrow-iv	cy	5.80	0.00	\$0.00	
	Topsoil borrow-iv	cy	8.00	0.00	\$0.00	
	Salvaged Agg from stockpile-millings-	cy	4.50	0.00	\$0.00	
	Salvaged topsoil from stockpile	cy	2.00	0.00	\$0.00	
	Salvaged topsoil -ev	cy	4.50	0.00	\$0.00	
	Agg Base CI-5	ton	6.95	0.00	\$0.00	
	Mill Bit Surface	SY	1.50	259.69	\$389.54	
	Type mv4 mix-wear course	ton	30.00	98.34	\$2,950.20	
	Type mv3 non-wear course mix	ton	26.50	0.00	\$0.00	
	Irregular width paving	sy	10.30	0.00	\$0.00	
	Bituminous material for tack coat	gal	1.75	0.00	\$0.00	
	Connect to exist storm	Each	325.00	0.00	\$0.00	
	Adjust gate valve box	Each	75.00	0.00	\$0.00	
	Adjust curb box	Each	110.00	0.00	\$0.00	
	1' gate valve box sect. Over curb box	Each	76.00	0.00	\$0.00	
	Adjust frame & ring casting	Each	225.00	0.00	\$0.00	
	Connect to exist mh or cb	Each	750.00	0.00	\$0.00	
	4" concrete walk	sf	2.70	0.00	\$0.00	
	Concrete curb & gutter b618	LF	7.10	0.00	\$0.00	
	6" concrete drwy pavement	sy	31.00	0.00	\$0.00	
	Xsplant tree 2-6" CAL Decid.	Tree	300.00	0.00	\$0.00	

		Tree Protection	Each	100.00	0.00	\$0.00
		Root barrier	LF	20.00	0.00	\$0.00
		Inlet protection	Each	50.00	0.00	\$0.00
		Sodding type lawn	sy	2.50	0.00	\$0.00
		Modular Block Retaining Wall	SF	25.30	0.00	\$0.00
		12" rc pipe sewer des 3006 III	LF	21.00	0.00	\$0.00
		15" rc pipe sewer des 3006 III	LF	24.10	0.00	\$0.00
		18" rc pipe sewer des 3006 III	LF	26.86	0.00	\$0.00
		24"RC Pipe Sewer Des 3006 CL III	LF	29.00	0.00	\$0.00
		54" RC Pipe Sewer Des 3006 CL III	LF	109.85	0.00	\$0.00
		Construct drainage structure des 48"-4	Each	1180.00	0.00	\$0.00
		Construct drainage structure des 108"	Each	8478.00	0.00	\$0.00
		Sprinkler Repair	LS	1008.86	1.00	\$1,008.86
		construct drainage structure des 24 x	Each	746.00	0.00	\$0.00
		Total January,2003 18th reconstruct SAP				\$4,348.60
02-2 18th St.		Remove curb stop & box	ea	50.00	0.00	\$0.00
Non-participating		Remove mh-san sew	ea	300.00	0.00	\$0.00
January 2003 Pay Request		Salvage Cl pipe	lf	5.00	0.00	\$0.00
		Salvage gate valve	ea	200.00	0.00	\$0.00
		Salvage hydrant & valve	ea	300.00	0.00	\$0.00
		Connect to ex san sew	ea	350.00	0.00	\$0.00
		Reconnect san sew services	ea	135.00	0.00	\$0.00
		8" x 4" pvc wye	ea	25.30	0.00	\$0.00
		4" pvc sdr 26	lf	10.80	0.00	\$0.00
		8" outside drop	lf	195.00	0.00	\$0.00
		8" DIP CL-52 0-10'depth	lf	56.00	0.00	\$0.00
		8" pvc sdr 35 10-12' depth	lf	49.00	0.00	\$0.00
		8" pvc sdr 35 12-14' depth	lf	54.00	0.00	\$0.00
		8" pvc sdr 35 14-16' depth	lf	54.00	0.00	\$0.00
		8" pvc sdr 35 16-18' depth	lf	64.00	0.00	\$0.00
		connect to ex wm	ea	369.00	0.00	\$0.00
		reconnect water service	ea	216.00	0.00	\$0.00
		hydrant 8' bury	ea	2380.00	0.00	\$0.00
		3/4" corp stop	ea	26.00	0.00	\$0.00
		8" gv	ea	704.00	0.00	\$0.00

		6" gv	ea	501.00	0.00	\$0.00
		3/4" curb stop box	ea	56.00	0.00	\$0.00
		3/4" type "K" coper pipe	lf	9.15	0.00	\$0.00
		6" wm ductile iron cl-52	lf	18.10	0.00	\$0.00
		8" wm ductile iron cl-52	lf	20.50	0.00	\$0.00
		construct san mh	ea	2727.00	0.00	\$0.00
		extra depth mh over 0-10' depth	lf	82.00	0.00	\$0.00
		rock excavation	cy	21.00	0.00	\$0.00
		Tota; January 2003 18th St. non-participating				\$0.00
02-3 21st & Eddy						
January, 2003 Pay Request						
		Clearing	Tree	3000.00	0.00	\$0.00
		Grubbing	Tree	2750.00	0.00	\$0.00
		Remove bit. Curb	LF	1.00	0.00	\$0.00
		Remove Conc Sidewalk	SY	10.00	0.00	\$0.00
		remove concrete drway pavement	SY	1.50	0.00	\$0.00
		remove bit pavement	SY	1.50	0.00	\$0.00
		remove curb stop & box	Each	50.00	0.00	\$0.00
		remove drainage structure	Each	500.00	0.00	\$0.00
		salvage cl pipe	LF	5.00	0.00	\$0.00
		Remove MH(San Sew)	Each	300.00	0.00	\$0.00
		salvage gate valve	Each	200.00	0.00	\$0.00
		salvage hydrant & valve	Each	300.00	0.00	\$0.00
		common excavation	CY	6.00	0.00	\$0.00
		Rock Exc(Hammering)	CY	21.00	0.00	\$0.00
		granular borrow	CY	5.80	0.00	\$0.00
		aggregate base cl 5	ton	6.95	0.00	\$0.00
		topsoil borrow	CY	8.00	0.00	\$0.00
		Mill Bit Surf	SY	1.50	0.00	\$0.00
		salvaged random rip rap	CY	35.00	0.00	\$0.00
		aggregate base cl 5	ton	6.95	0.00	\$0.00
		type mv4 mixture wear course	ton	30.00	0.00	\$0.00
		type mv3 non wear course mix	ton	26.50	0.00	\$0.00
		Irregular width paving	SY	10.30	0.00	\$0.00
		Bit Material for tack coat	Gal	1.75	0.00	\$0.00
		Rec San Sew Services	Each	135.00	0.00	\$0.00

		12" rc pipe sewer des 3006 cl III	LF	21.00	0.00	\$0.00
		15" rc pipe sewer des 3006 cl III	LF	24.10	0.00	\$0.00
		18" rc pipe sewer des 3006 cl III	LF	26.86	0.00	\$0.00
		connect to ex mh	Each	1052.50	0.00	\$0.00
		reconnect san sew srvc	Each	135.00	0.00	\$0.00
		8x4 PVC Wye	Each	25.30	0.00	\$0.00
		4" PVC Sdr 26	LF	10.80	0.00	\$0.00
		6" pvc sdr 35 0-10" depth	LF	13.70	0.00	\$0.00
		8" PVC SDR 35 10-12	LF	49.00	0.00	\$0.00
		8" PVC SDR 35 12-14	LF	54.00	0.00	\$0.00
		8" pvc sde 35 14-16' depth	LF	54.00	0.00	\$0.00
		hydrant 7' 6" bury	Each	2357.00	0.00	\$0.00
		8" outside drop	LF	195.00	0.00	\$0.00
		connect to ex wm	Each	369.00	0.00	\$0.00
		Reconn Water Serv	Each	216.00	0.00	\$0.00
		8" dip cl 52 0-10' depth	LF	56.00	0.00	\$0.00
		3/4" Corp Stop	Each	26.00	0.00	\$0.00
		1.5" Corp Stop	Each	89.00	0.00	\$0.00
		6" gate valve	Each	501.00	0.00	\$0.00
		1" GV box section over curb box	Each	76.00	0.00	\$0.00
		4" concrete walk	sf	2.70	0.00	\$0.00
		concrete curb and gutter b618	LF	7.10	0.00	\$0.00
		conc curb & gutter d418 mod.	LF	12.00	0.00	\$0.00
		6" conc drwy pavement	sy	31.00	0.00	\$0.00
		Deciduous Tree 2" CAL B&B	Tree	325.00	0.00	\$0.00
		3/4" curb stop box	Each	56.00	0.00	\$0.00
		1.5" curb stop and box	Each	105.50	0.00	\$0.00
		adjust curb box	Each	110.00	0.00	\$0.00
		1.5" type k copper pipe	LF	12.50	0.00	\$0.00
		3/4" type "K" copper pipe	LF	9.15	0.00	\$0.00
		6" wm ductile iron cl -52	LF	18.10	0.00	\$0.00
		construct drainage structure 48" 4020	Each	1180.00	0.00	\$0.00
		Const San Mh	Each	2727.00	0.00	\$0.00
		const drainage structure 24" x 36"	Each	746.00	0.00	\$0.00
		xtra depth mh over 0-10" depth	LF	82.00	0.00	\$0.00
		Tree Prot	Each	100.00	0.00	\$0.00
		Lower Water Serv	LF	15.35	0.00	\$0.00


		18"FES	Each	613.63	0.00	\$0.00
		outfall structure	Each	20500.00	0.00	\$0.00
		18" flapgate	Each	3400.00	0.00	\$0.00
		cl-5 rip rap	ton	31.50	0.00	\$0.00
		Sodding type lawn	sy	2.50	0.00	\$0.00
		Lower Ex 6" watermain (incl 6" DIP)	LF	78.40	0.00	\$0.00
		Total January,2003 21st& Eddy				\$0.00
02-4 19th ST						
January,2003 Pay Request						
		Clearing	Tree	3000.00	0.00	\$0.00
		Grubbing	Tree	2750.00	0.00	\$0.00
		remove dewer pipe (storm)	LF	8.00	0.00	\$0.00
		remove conc drwy pavement	sy	1.50	0.00	\$0.00
		remove bit pavement	sy	1.50	0.00	\$0.00
		salvage cl pipe	LF	5.00	0.00	\$0.00
		common excavation	cy	6.00	0.00	\$0.00
		topsoil borrow (lv)	cy	8.00	0.00	\$0.00
		agg base cl 5	ton	6.95	0.00	\$0.00
		type mv4 mix wear course	ton	30.00	0.00	\$0.00
		type mv3 non wearing course mix	ton	26.50	0.00	\$0.00
		irreg width paving	sy	10.30	0.00	\$0.00
		bituminous material for tack coat	gal	1.75	0.00	\$0.00
		concret curb and gutter b618	LF	7.10	0.00	\$0.00
		6" conc drwy pavement	sy	31.00	0.00	\$0.00
		deciduous tree 2" CAL B&B	Tree	325.00	0.00	\$0.00
		Rem Bit Curb	LF	1.00	0.00	\$0.00
		Mill Bit Surf	SY	1.50	259.69	\$389.54
		Tree Prot	Each	100.00	0.00	\$0.00
		remove manhole (san sew)	Each	300.00	0.00	\$0.00
		remove cb or mh	Each	300.00	0.00	\$0.00
		salvage gate v alve	Each	200.00	0.00	\$0.00
		rock excavation (hammering)	cy	21.00	0.00	\$0.00
		12" rc pipe sewer des 3006 cl III	LF	21.00	0.00	\$0.00
		18" rc pipe sewer des 3006 cl III	LF	26.86	0.00	\$0.00
		24" rc pipe sewer des 3006 cl III	LF	29.00	0.00	\$0.00
		30" rc pipe sewer des 3006 cl III	LF	43.60	0.00	\$0.00

		connect to existing san sew	Each	350.00	0.00	\$0.00
		reconnect san sew srvc	Each	135.00	0.00	\$0.00
		8" x 4" pvc wye	Each	25.30	0.00	\$0.00
		4" sdr 26	LF	10.80	0.00	\$0.00
		fill & abandon vc pipe sewer	LF	1.25	0.00	\$0.00
		8" pvc sdr 35 0-10' depth	LF	49.00	0.00	\$0.00
		8" pvc sdr 35 10-12' depth	LF	49.00	0.00	\$0.00
		8" pvc sdr 35 12-14' depth	LF	54.00	0.00	\$0.00
		connect to existing wm	Each	369.00	0.00	\$0.00
		reconnect water service	Each	216.00	0.00	\$0.00
		hydrant 7-6" bury	Each	2357.00	0.00	\$0.00
		hydrant 8' bury	Each	2380.00	0.00	\$0.00
		3/4" corp stop	Each	26.00	0.00	\$0.00
		6" gate valve	Each	501.00	0.00	\$0.00
		lower ex 6" wm (incl 6" dip)	LF	78.40	0.00	\$0.00
		6" wm ductile iron cl 52	LF	18.10	0.00	\$0.00
		const drainage sturcture des 48" 4020	Each	1180.00	0.00	\$0.00
		const drainage structure des 60" 4020	Each	2132.00	0.00	\$0.00
		const drainage structure des 84" 4020	Each	3385.00	0.00	\$0.00
		const drainage structure des 24x36"	Each	746.00	0.00	\$0.00
		const san mh	Each	2727.00	0.00	\$0.00
		xtra depth mh over 0-10' depth	LF	82.00	0.00	\$0.00
		sodding type lawn	sy	2.50	443.55	\$1,108.88
		modular block retaining wall	sf	25.30	0.00	\$0.00
		Total January,2003 19th St			0.00	\$1,498.41
02-5 Ashland						
	January 2003 Pay Req.	Remove Bit Curb	LF	1.00	0.00	\$0.00
		remove sewer pipe - storm	LF	8.00	0.00	\$0.00
		remove conc drwy pavement	SY	1.50	0.00	\$0.00
		common excavation (p)	cy	6.00	0.00	\$0.00
		topsoil borrow (lv)	cy	8.00	0.00	\$0.00
		remove bit pavement	SY	1.50	0.00	\$0.00
		remove drainage structure	Ea	500.00	0.00	\$0.00
		remove mh-san sew	Ea	300.00	0.00	\$0.00

		remove catch basin or mh	Ea	300.00	0.00	\$0.00
		salvage cl pipe	LF	5.00	0.00	\$0.00
		salvage gate valve	Ea	200.00	0.00	\$0.00
		salvage hydrant and valve	Ea	300.00	0.00	\$0.00
		rock excavation (hammering)	cy	21.00	0.00	\$0.00
		granular borrow (lv)	cy	5.80	0.00	\$0.00
		salvaged agg from stockpile millings	cy	4.50	0.00	\$0.00
		agg base cl 5	ton	6.95	0.00	\$0.00
		Clearing	Tree	3000.00	0.00	\$0.00
		Grubbing	Tree	2750.00	0.00	\$0.00
		bituminous material for tack coat	gal	1.75	0.00	\$0.00
		Mill Bit Surface	SY	1.50	0.00	\$0.00
		type mv4 mix wear course	ton	30.00	0.00	\$0.00
		type mv3 non wear course	ton	26.50	0.00	\$0.00
		irregular width paving	SY	10.30	0.00	\$0.00
		concrete outlet structure (incl rebar)	Ea	20500.00	0.00	\$0.00
		flap gate for 42" rc pipe	Ea	4100.00	0.00	\$0.00
		12" rc pipe sewer des 3006 cl III	LF	21.00	0.00	\$0.00
		42" rc pipe sewer des 3006 cl III	LF	70.75	0.00	\$0.00
		connect to ex mh (san)	Ea	1052.50	0.00	\$0.00
		reconnect san sew services	Ea	135.00	0.00	\$0.00
		8" x 4" pvc wye	Ea	25.30	0.00	\$0.00
		4" pvc sdr 26	LF	10.80	0.00	\$0.00
		8" pvc sdr 35 0-10' depth	LF	49.00	0.00	\$0.00
		8" pvc sdr 35 10'-12' depth	LF	49.00	0.00	\$0.00
		8" pvc sdr 35 12'-14' depth	LF	54.00	0.00	\$0.00
		connect to existing wm	Ea	369.00	0.00	\$0.00
		hydrant 7-6" bury	Ea	2357.00	0.00	\$0.00
		concrete curb & gutter b618	LF	7.10	0.00	\$0.00
		6" drwy pavement	SY	31.00	0.00	\$0.00
		Deciduous tree2" CAL B&B	Tree	325.00	0.00	\$0.00
		sodding type lawn	SY	2.50	0.00	\$0.00
		6" gv	Ea	501.00	0.00	\$0.00
		6" hyd ext	Ea	350.00	0.00	\$0.00
		lower water service	LF	15.35	0.00	\$0.00
		1" type k copper pipe	LF	11.50	0.00	\$0.00
		6" wm ductile iron cl-52	LF	18.10	0.00	\$0.00

		lower ex 12" wm (incl 12" dip)	LF	127.00	0.00	\$0.00
		const drainage structure des 66" 402	Ea	2306.00	0.00	\$0.00
		const drainage structure des 24 x36"	Ea	746.00	0.00	\$0.00
		construct san mh	Ea	2727.00	0.00	\$0.00
		random rip rap cl 5	ton	31.50	0.00	\$0.00
		inlet protection	Ea	50.00	0.00	\$0.00
		lower 6" wm	LF	78.40	0.00	\$0.00
		Tree Protection	Ea	100.00	0.00	\$0.00
		Traffic Control	LS	19830.00	1.00	\$19,830.00
		Extra depth MH Over 0-10' depth	LF		0.00	\$0.00
		Total January 2003 Ashland				\$19,830.00
02-6 Southview						
January,2003 Pay Req						
		Clearing (1)	Acre	5000.00	0.00	\$0.00
		Grubbing(1)	Acre	5000.00	0.00	\$0.00
		Rem Sew Pipe (storm)	LF	8.00	0.00	\$0.00
		Rem C&G	LF	3.00	0.00	\$0.00
		Rem Conc Dwy Pavement	SY	1.50	0.00	\$0.00
		Rem CB or Mh	Each	300.00	0.00	\$0.00
		Salv CI Pipe	LF	5.00	0.00	\$0.00
		salv Wooden Fence	LF	30.00	0.00	\$0.00
		Salv Hyd & Valve	Each	300.00	0.00	\$0.00
		Comm Ex (P)	CY	6.00	0.00	\$0.00
		Subg Excv	CY	5.00	0.00	\$0.00
		topsoil borrow-lv	CY	8.00	0.00	\$0.00
		Agg Base CL 5	Ton	6.95	0.00	\$0.00
		type mv3 non wear course mix	Ton	26.50	0.00	\$0.00
		type mv4 mix wear course	Ton	30.00	0.00	\$0.00
		type lv4 bit wear course lvwe45030b t	Ton	35.00	0.00	\$0.00
		type lv3 bit wear course lvwe35030b t	Ton	30.50	0.00	\$0.00
		bit material for tack coat	gal	1.75	0.00	\$0.00
		Mill Bit Surf	SY	1.50	0.00	\$0.00
		18" RC pipe apron w trashgrd	Each	613.63	0.00	\$0.00
		30" RC pipe apron w trashgrd	Each	1212.48	0.00	\$0.00
		12" RC Pipe Sew des 3006 clV	LF	21.00	0.00	\$0.00
		15" "	LF	22.10	0.00	\$0.00

		18" "	LF	24.86	0.00	\$0.00
		30" "	LF	43.60	0.00	\$0.00
		reconn San sew serv	Each	135.00	0.00	\$0.00
		Conn to Ex MH (san)	Each	1052.50	0.00	\$0.00
		10x4 PVC Wye	Each	79.15	0.00	\$0.00
		4" Pvc Sdr 26 San serv pipe	LF	10.80	0.00	\$0.00
		10" pvc sdr 34 10-12	LF	50.25	0.00	\$0.00
		" 12-14	LF	55.25	0.00	\$0.00
		" 14-16	LF	55.25	0.00	\$0.00
		" 16-18	LF	65.25	0.00	\$0.00
		" 18-20	LF	75.25	0.00	\$0.00
		4" insulation board	SY	15.15	0.00	\$0.00
		hyd 8' bury	Each	2380.00	0.00	\$0.00
		6" gate valve	Each	501.00	0.00	\$0.00
		const drain structure 48"	EACH	1180.00	0.00	\$0.00
		" 54"	Each	1392.00	0.00	\$0.00
		" 60"	Each	2132.00	0.00	\$0.00
		const drain structure 24x36	Each	746.00	0.00	\$0.00
		random rip rap	Ton	31.50	0.00	\$0.00
		concrete c & g b618	LF	7.10	0.00	\$0.00
		6" concrete drwy pavement	SY	31.00	0.00	\$0.00
		R1642 Casting Assembly	Each	350.00	0.00	\$0.00
		Salv Agg from stockpile (mill) (lv)	CY	4.50	0.00	\$0.00
		4" dbl side yellow line w/epoxy beads	LF	0.00	0.00	\$0.00
		Adjust GV Box	Each	75.00	0.00	\$0.00
		Adjust frame ring and casting	Each	225.00	0.00	\$0.00
		Conn to Ex WM	Each	369.00	0.00	\$0.00
		1" Curb Stop & box	Each	67.50	0.00	\$0.00
		1" type k copper pipe	LF	11.50	0.00	\$0.00
		1" corp stop	Each	33.50	0.00	\$0.00
		Lower 8" wm	LF	115.00	0.00	\$0.00
		6" Dip CI 52	LF	18.10	0.00	\$0.00
		8" dip CI 52	LF	20.50	0.00	\$0.00
		inlet protection	Each	50.00	0.00	\$0.00
		6" hyd extension	Each	350.00	0.00	\$0.00
		sod	SY	2.50	0.00	\$0.00
		Sprinkler Repair	LS	2760.99	1.00	\$2,760.99

		Erosion Control	LS	2500.00	1.00	\$2,500.00
		deciduous tree 2" CAL B&B	tree	325.00	0.00	\$0.00
		02-6 Southview Pay req				\$5,260.99
		Total Work This Pay Estimate				\$30,938.00
		5% Retainage of Work over 50%				\$1,546.90
		Total Earned Less Retainage				\$29,391.10
		Amount of Pay Estimate #1				\$367,777.40
		Amount of Pay Estimate #2				\$281,730.55
		Amount of Pay Estimate #3				\$441,101.96
		Amount of Pay Estimate #4				\$536,757.19
		Amount of Pay Estimate #5				\$448,235.18
		Amount of Pay Estimate #6				\$243,446.68
		Amount of Pay Estimate #7				\$0.00
		Amount of Pay Estimate #8				\$0.00
				Total Payments to Date		\$2,348,440.06
		Total Payable for Pay Estimate #7				\$29,391.10
		3 Rivers Construction Signature			Date	
					1/28/03	
		City of Hastings / Engineer Signature			Date	

m:\construction projects\2003\pay request\January 2003

January 30, 2003

TO: The Honorable Mayor and Council

FROM: John Grossman, HRA Director

RE: Subordination Agreement – APL Fabricators

SUMMARY: Washington County Bank and The Small Business Administration are financing APL's new building in the Industrial Park. They request that the City subordinate its right of forfeiture in order to secure part of the permanent financing through the Small Business Administration's 504 program. Otherwise, SBA will not approve the loan. City staff requests City Council approval for the Mayor and City clerk to sign the attached subordination agreement which was drafted by the City Attorney.

BACKGROUND: The purpose of the right of forfeiture is to allow the City to reclaim the property in the event that the building is not completed. This is one of the security provisions used when the property is sold for \$1.00. For example, the City could exercise the right in the event that financed was not secured and construction did not start. In this case the building is 90% complete.

The subordination puts the City's right to take back the property behind the mortgages of Washington County Bank and The Small Business Administration. The City would get the property back subject to the banks' mortgages.

All other provisions of the Warranty Deed and the Purchase and Development Agreement remain in place. APL Fabricators will still have to complete the building and provide the jobs as agreed, or repay the City for the value of the land. The City's right to assess the value of the property against the land remains in force.

RECOMMENDATION: Approve execution of the subordination agreement. The remaining security provisions on the deed and in the development agreement protect the City's interest (value of the land) until the building is complete and the conditions of the development agreement are satisfied.

SUBORDINATION AGREEMENT

THIS AGREEMENT is made this 3rd day of February, 2003 by the City of Hastings, a Minnesota Municipal Corporation ("City").

Recitals.

- A. The City conveyed to A.P.L. Properties, Inc., a Minnesota corporation, ***Lot 3, Block 2, Hastings Industrial Park #6, according to the recorded plat thereof, Dakota County, Minnesota*** by Warranty Deed dated July 2, 2002 and recorded as Dakota County Document No. 470906.
- B. Section 2 of this Warranty Deed contained a reversionary interest in favor of the City if certain improvements were not constructed by A.P. L. Properties, Inc.
- C. City is being asked by Washington County Bank and Twin Cities-Metro Certified Development Company (A Minnesota Non-Profit Corporation) to subordinate the city's reversionary interest in Paragraph 2 of the Warranty Deed to the mortgage of Washington County Bank and Twin Cities-Metro Certified Development Company (A Minnesota Non-Profit Corporation).

NOW, THEREFORE, it is agreed by the City of Hastings as follows:

- 1. The City hereby subordinates only its reversionary interest in Paragraph 2 of the Warranty Deed dated July 2, 2002 recorded as Dakota County Document No.

470906, to the mortgages of Washington County Bank and Twin Cities-Metro Certified Development Company (A Minnesota Non-Profit Corporation).

2. No other provisions of the Warranty Deed dated July 2, 2002, recorded as Document No. 470906 shall be subordinated to the mortgages described in Paragraph 1 above.
3. This subordination was approved by action of the Hastings City Council on February 3, 2003.

***CITY OF HASTINGS, A MINNESOTA
MUNICIPAL CORPORATION***

By: _____
Michael D. Werner, Mayor

ATTEST:

By: _____
Melanie Mesko Lee, Administrative Assistant/City Clerk

(SEAL)

THIS INSTRUMENT DRAFTED BY:

FLUEGEL & MOYNIHAN P.A.
1303 South Frontage Road, Suite #5
Hastings, MN 55033
651-438-9777
(SMM)

January 29, 2003

TO: The Honorable Mayor and Council

FROM: John Grossman, HPC Staff

RE: Appointment of new commissioner

Heritage Preservation Commission

Commissioners are appointed for three year terms, with no limit to number of terms. Residency and commitment to historic preservation are membership requirements. The HPC advertised for applicants to fill two vacancies. The HPC has interviewed Ms. Martin and recommends her appointment.

Amy Martin, 220 E 7th Street, Hastings - for 1st term, to 1/31/2006

City of Hastings Commission Application

Thank you for your interest in serving the City of Hastings as an appointed official.

To help us have a better understanding of your interests and background, we ask candidates for some general information. Please complete the required information section in full and feel free to complete the desired information section; please sign the application.

Please type or print clearly.

Required Information

Commission Applying For:

Heritage Preservation Commission

Name:

Amy Martin

Address:

220 East 7th Street, Hastings

Phone Number:

(651) 312-8544
(Day)

(651) 480-1182
(Evening)

How long have you lived in Hastings? 8 1/2 years

Please provide a short paragraph summarizing why you are seeking an appointment to the commission

I believe in the Heritage Preservation's mission. Living
kitty-corner from Saint Elizabeth Ann Seton Church, I have

experienced both the loss of a beautiful, irreplaceable
historical building, and the protection from further loss

when the Heritage Preservation Commission voted against the temporary
classrooms. The

Desired Information

Employer: Llewellyn Publishing

is important and
effective.

Occupation: writer / marketing department

Prior Experience as public employee, elected or appointed official:

I have no prior experience as a public employee, elected or appointed official. The most relevant experience I have is as a member of management for seven years (Former employer), in a position that required leadership, patience, and tact.

Briefly describe your background, experience, and any other information not previously given which you believe should be considered regarding the appointment you are seeking. May add separate page.

I have a deep appreciation for old houses and buildings. One of the reasons I moved to Hastings was its historic river town character.

I am interested in learning more about historic preservation and I do stand up for what I believe in.

Thank you for considering my application.

Angie Martin

Ordinance 2.81: City of Hastings Code of Ethics

"Subd. 3 Responsibilities of Public Office. Public Officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of Minnesota, and to impartially carry out the laws of the nation, state, and the City of Hastings and thus foster respect for all government."

"Subd. 7. Public Disclosure. (1) Each public official... shall file... a sworn statement... which must contain... (1) The names of all businesses, corporations, companies, firms, partnerships, or other business enterprises, doing business with or in the City of Hastings, in which said public official is connected thereto as an employee, owner, director, officer, advisor, or consultant, or in which said public official has a continuing financial interest, through ownership of stock or as a beneficiary of any pension or retirement plan."

Please return to: *City of Hastings
101 Fourth Street East
Hastings, MN 55033*

Telephone: *651-437-4127*
Fax: *651-437-7082*

For Office Use:

Date Received: _____
Forwarded to: _____

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: 1st Reading\Order Public Hearing – Vacation of Right of Way and Easement #2003-08 (North Frontage Road) – Dakota Summit

REQUEST

The City Council is asked to consider 1st Reading and order a public hearing to vacate the following in DAKOTA SUMMIT:

- 1) Vacate a portion of the North Frontage Road right-of-way along the western boundary of the plat, connecting to Highway 55. Only the north\south “connection” between the east\west frontage road and Highway 55 would be vacated.
- 2) Vacate a portion of the drainage and utility easement of Outlot A, adjacent to the vacated North Frontage right-of-way.

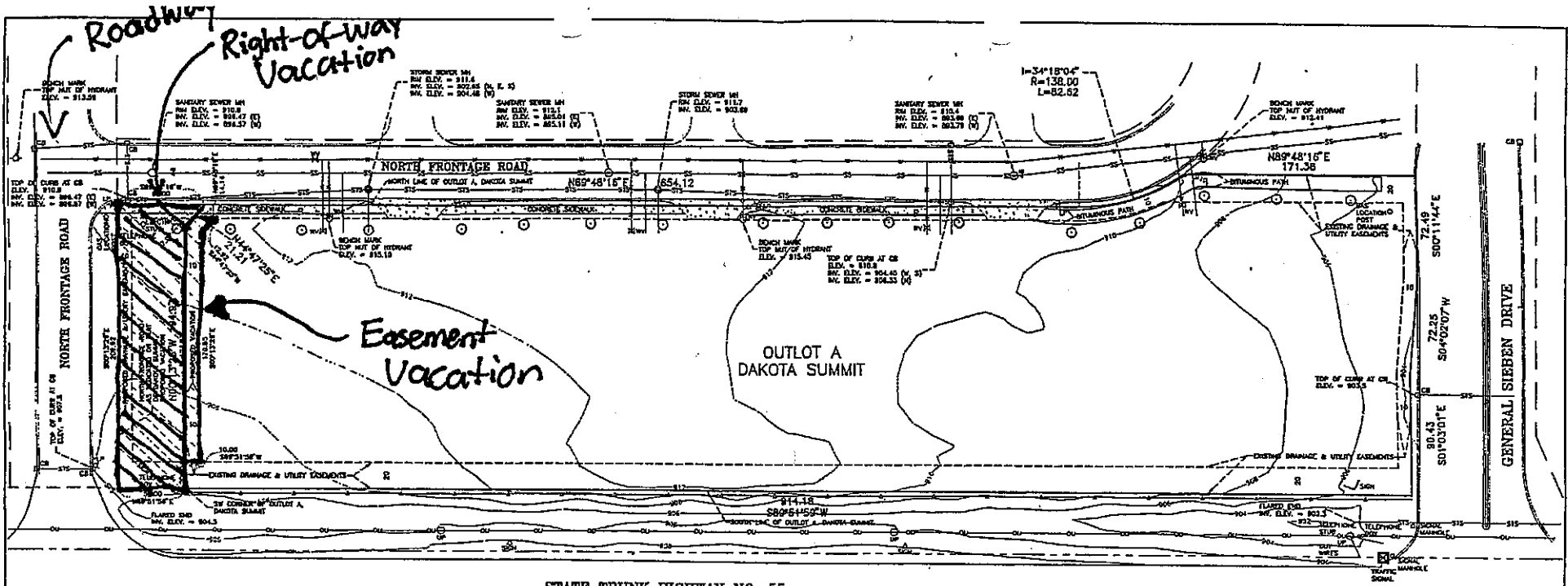
The public hearing would be scheduled for the Tuesday, February 18, 2003 City Council Meeting upon approval of the City Council.

BACKGROUND

The physical connection between the North Frontage Road and Highway 55 has been constructed west of the platted right-of-way on land annexed from Nininger Township; therefore the right-of-way is not needed.

ATTACHMENTS

- Vacation Exhibit



STATE TRUNK HIGHWAY NO. 55



- BEARING SYSTEM IS ASSUMED.
- denotes EXISTING WATER LINE.
- S— denotes EXISTING SANITARY SEWER LINE.
- SS— denotes EXISTING STORM SEWER LINE.
- MW denotes EXISTING WATER VALVE.
- CB denotes EXISTING CATCH BASIN.
- CA— denotes CONTROLLED ACCESS.
- 7/2— denotes EXISTING CONTOUR LINE.
- OU— denotes EXISTING OVERHEAD UTILITY LINE.
- OP denotes EXISTING UTILITY POLE.
- denotes EXISTING 2" ASH TREE.
- LP denotes EXISTING LIGHT POLE.

NOTE: SERVICE LOCATIONS & INVERT ELEVATIONS SHOWN PER CONSTRUCTION PLANS.

NORTH FRONTAGE ROAD AND DRAINAGE AND UTILITY EASEMENT TO BE VACATED

That part of the North Frontage Road as platted in DAKOTA SUMMIT, on file and of record in the office of the County Recorder, Dakota County, Minnesota, described as follows:

Beginning at the southwest corner of Outlet A of DAKOTA SUMMIT; thence S89°11'26"W, bearing assumed, along the west line of said Outlet A, a distance of 194.97 feet; thence N4°47'25"W, along said west line, a distance of 21.21 feet to the north line of said Outlet A; thence N89°48'16"W, along the westerly extension of the north line of said Outlet A, a distance of 65.00 feet to the west line of said North Frontage Road; thence S00°11'26"W, along said west line, a distance of 209.92 feet to its intersection with the westerly extension of the south line of said Outlet A; thence S89°51'59"W, along said westerly extension, a distance of 50.00 feet to the point of beginning.

And that part of the drainage and utility easement on Outlet A of DAKOTA SUMMIT, on file and of record in the office of the County Recorder, Dakota County, Minnesota, described as follows:

Commencing at the southwest corner of Outlet A of DAKOTA SUMMIT; thence S00°11'26"W, bearing assumed, along the west line of said Outlet A, a distance of 30.00 feet to the point of beginning of the easement to be vacated; thence S00°11'26"W, along said west line, a distance of 174.97 feet; thence N4°47'25"W, along said west line, a distance of 7.07 feet to its intersection with a line 10 feet south of, as measured at a right angle to and parallel with the north line of said Outlet A; thence S89°48'16"W, along said parallel line, a distance of 18.14 feet to the east line of the easement to be vacated; thence S44°47'25"W, along said east line, a distance of 12.52 feet; thence S00°11'26"W, along said east line, a distance of 170.35 feet to its intersection with a line bearing S89°51'59"W from the point of beginning; thence S89°51'59"W a distance of 10.00 feet to the point of beginning.

NS2C2D701 DXXXXXXVII

DWYER & ASSOCIATES, INC.
 Land Surveyors
 875 Spiral Boulevard
 Hastings, Minnesota 55033
 Box: (651) 437-2009 Fax: (651) 437-4779



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
Stephen F. Dwyer
 Date: 1/22/03 Reg. No. 9294

DESCRIPTION SKETCH	
SCALE: 1"=40'	DRAWN BY:
DATE: 1/9/03	REVISED:
NICK CONZEMIUS	
HASTINGS, MINNESOTA	DRAWING NUMBER: 2003-006

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: Public Hearing - Rezoning #2003-01 to rezone property from A – Agriculture, and R-3 – Medium\High Density Residence to C-1 General Commerce – 1026 North Frontage Road

REQUEST

The City Council is asked to hold a public hearing to consider an ordinance amendment to Chapter 10.01 of the City Code to rezone approximately 1.33 acres located between at 1026 North Frontage Road from A – Agriculture, and R-3 – Medium\High Density Residence to C-1 General Commerce as requested by Joseph Slapnicher.

The City Council ordered the public hearing and considered first reading of the amendment at the January 21, 2003 meeting.

An application for Site Plan Review to construct a 6,500 square foot medical office building (eye clinic) has been submitted in conjunction with the rezoning, and reviewed under a separate memo .

RECOMMENDATION

The Planning Commission unanimously voted to recommend approval of the rezoning at the January 13, 2003 meeting with limited discussion. No one spoke for or against the item during the public hearing. The rezoning is consistent with the comprehensive plan and is adjacent to other C-1 zoned property.

ATTACHMENTS

- Ordinance Amendment
- Location Map
- C-1 Commercial Uses
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The subject property is guided C – Commercial in the Hastings Comprehensive Plan. The proposed rezoning is consistent with the Plan.

Zoning Classification

The proposed use conforms to the C-1 – General Commerce District. Commercial, office and retail facilities are permitted uses.

Adjacent Zoning and Land Use

The following land uses abuts the site:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	North Frontage Road Lions Park	A - Agriculture	P - Public
East	North Frontage Road Vacant	A - Agriculture	P - Public
South	Minnesota Hwy 55 Vacant	O-1 – General Office	O - Office
West	Single Family Home	C-1 – General Comm.	C-Commercial

Existing Condition

The existing site is generally flat, consisting of two lots of record. The most western parcel contains an existing single family home and accessory structures that would be demolished. The eastern parcel is vacant. The site contains a few mature deciduous trees along Highway 55 (south), and along a low area west of the proposed building.

Proposed Change

Construction of a 6,500 s.f. office building (eye clinic) consisting of a 5,000 s.f. main floor and 1,500 s.f. basement. A western expansion is proposed in the future and would require further site plan approval.

REZONING REVIEW

The proposed rezoning is consistent with the Comprehensive Plan and adjacent zoning and land uses. The site's location along Highway 55 is more conducive for commercial/office development rather than the existing single family use.

ORDINANCE NO. _____, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING SECTION
10.01, SUBDIVISION 1 OF THE CITY CODE HAVING TO DO WITH:**

OFFICIAL ZONING MAP

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

Subdivision 1. The following legally described property generally located at 1026 North Frontage Road is hereby rezoned from A – Agriculture to C-1, General Commerce:

The South 75 feet of Lot 6 and 7, Block 48, ADDITION NO. 13, Dakota County Minnesota, and the East 10 feet of the South 75 feet of Lot 8, Block 48, and the East 10 feet of Lot 13, Block 48, and all of Lots 14 and 15, Block 48.

AND

The following legally described property generally located at 1026 North Frontage Road is hereby rezoned from R-3 Medium/High Density Residence is hereby rezoned to C-1, General Commerce:

Part of Lots 1 Thru 5, Block 48 ADDITION NO. 13, Dakota County, Minnesota lying southerly of Parcel 259G, of MINNESOTA DOT RIGHT-OF-WAY PLAT 19-80; and Lots 16 through 20, except the South 12 feet thereof.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.




Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)



This instrument drafted by:
City of Hastings (JWH)
101 4th St.
Hastings, MN 55033

Slapnicher Eye Clinic Rezoning and Site Plan



















Legend

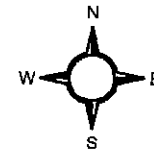
-  Buildings
-  Roads
-  Parcels

Legend

-  Parcels
-  Water

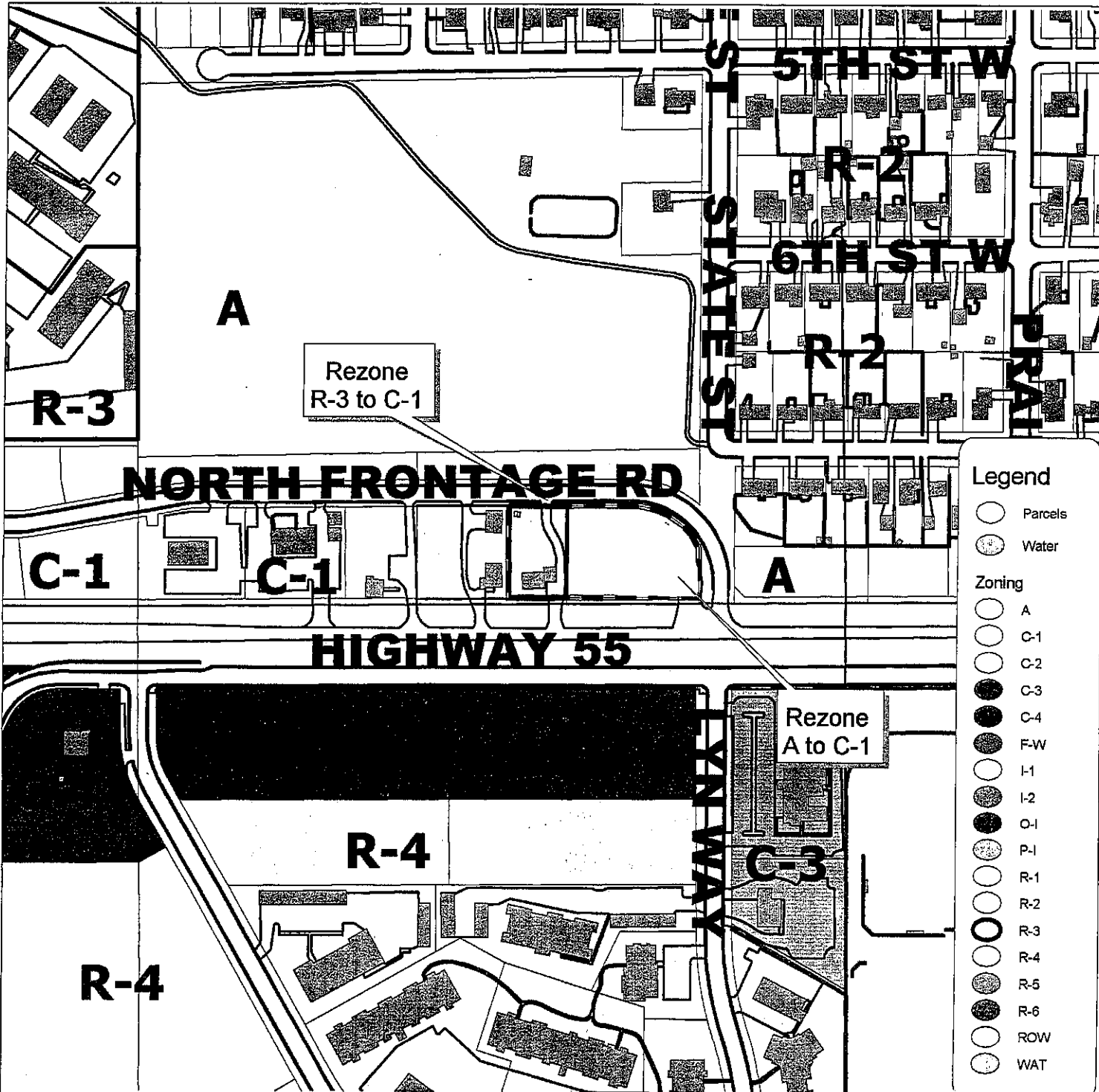
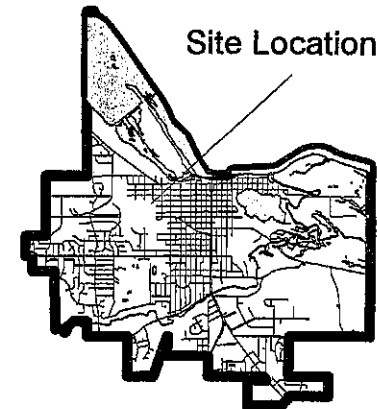
Zoning

-  A
-  C-1
-  C-2
-  C-3
-  C-4
-  F-W
-  I-1
-  I-2
-  O-1
-  P-1
-  R-1
-  R-2
-  R-3
-  R-4
-  R-5
-  R-6
-  ROW
-  WAT



Map Date: January 10, 2003

Site Location



2. Utilities.

- i. A central underground fuel distribution system shall be installed to serve all manufactured home lots. No individual fuel tanks shall be allowed for the purpose of providing a source of fuel for cooking, heating or other purposes for a manufactured home or accessory building.
- ii. All utilities shall be underground. There shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
- iii. Water and sewer charges shall be determined from a water meter(s) with said meter(s) to be located on public right of way at the entrance(s) to the park.
- iv. The park owner shall pay to the city any inspection and testing fees for utility service to the Park.

3. Lighting. The manufactured home park grounds and streets shall be lighted as approved by the City from sunset to sunrise. Entrances to manufactured home parks shall be clearly defined and well lit.

4. Patio and Sidewalks. Each manufactured home site shall contain a concrete patio and a concrete sidewalk leading from the patio to the off street parking area for the site. The sidewalk shall be constructed of concrete with a minimum of four inch thickness.

5. Registration. It shall be the duty of the operator of the manufactured home park to keep a record of all manufactured home owners and occupants located within the park. The park operator shall keep the register available for inspection by authorized City, County and State and other public officials whose duty necessitates acquisition of the information contained in the register. The register shall contain the following information:

- a. The name and address of each manufactured home occupant.
- b. The name and address of the owner of each manufactured home.
- c. The date of arrival and departure of each manufactured home.

6. Review Procedures. Upon making application for site plan approval of a manufactured home park plan, all information required by this subdivision shall be submitted to the city for review in accordance with the same procedure and time schedule for platting procedures as outlined in Chapter 11 of the Hastings City Code.

7. Fees. The applicant shall reimburse the city for any expenses associated with reviewing the proposal such as, but not limited to, fees for consultants, engineering, legal and environmental studies.

d. Home Occupations in accordance with Section 10.12, Subd. 2.

SUBD. 3. USES BY SPECIAL PERMIT:

- a. Neighborhood Commercial subject to the site plan review requirements of Section 10.27.
- b. Towers as regulated by Section 10.05 Subd. 12 of this chapter.

SECTION 10.18. C-1 - GENERAL COMMERCE.

SUBD. 1. INTENT. The intent of this Chapter is to have an area that allows a variety of commercial development similar to the downtown, but has more restrictive setbacks than the downtown.

SUBD. 2. PERMITTED USES.

- a. All uses permitted in C-3 Community-Regional Commerce District.
- b. Gasoline dispensing and car washes, provided auto repair is not included.
- c. Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use.

SUBD. 3. USES BY SPECIAL PERMIT.

- a. Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding.
- b. Towers as regulated by Section 10.05 Subd. 12 of this chapter.

SECTION 10.19. C-2 HIGHWAY AUTO-SPECIALIZED COMMERCE.

SUBD. 1. INTENT. The intent of this Chapter in establishing a highway-auto-specialized commerce district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise.

SUBD. 2. USES PERMITTED.

- a. Commercial establishments which are oriented to the motorist including, but not limited to, eating places, automobile service stations, auto repair shops, car wash and motel.
- b. Accessory uses incidental to the foregoing principal uses including, but not limited to, off-street parking.

SUBD. 3. USES BY SPECIAL PERMIT.

- a. Commercial establishments requiring large sites for off-street parking or for outdoor display and sales such as farm implement sale, auto and truck dealers, manufactured home sales, and building material sales. Open sales or rental lots are subject to the site plan review requirements of Section 10.27.
- b. Towers as regulated by Section 10.05 Subd. 12 of this chapter.

SECTION 10.20. C-3 COMMUNITY-REGIONAL COMMERCE.

SUBD. 1. INTENT. The intent of this Chapter in establishing a community-regional commerce district is in recognition of the existing downtown commercial development and of the need for its future expansions, rehabilitation and redevelopment.

SUBD. 2. USES PERMITTED.

- a. Commercial establishments including, but not limited to, the following:
 - 1. Retail and service establishments excluding automobile repair.
 - 2. Offices.
 - 3. Entertainment and amusement services.
 - 4. Lodging services including hotel and motel.
- b. Public and semi-public buildings.
- c. Private Clubs.
- d. Residential dwellings provided they are located above the first floor level.
- e. Automobile parking lots.

- f. Churches
- g. Accessory uses incidental to the foregoing principal uses.

SUBD. 3. USES BY SPECIAL PERMIT.

- a. Automobile service stations and motor vehicle repair and wash.
- b. Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding.
- c. Towers as regulated by Section 10.05 Subd. 12 of this chapter.
- d. Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use, less than 50% of the first level floor area and is located in the rear of the building with a separate outside entrance.

Source: Ordinance No. 433, Second Series
Effective Date: 7-6-98

SECTION 10.21. C-4 - REGIONAL SHOPPING CENTER.

SUBD. 1. INTENT. The intent of this Chapter in establishing a regional shopping center district is in recognition of future needs for one or more large commercial areas to serve the City and surrounding areas.

SUBD. 2. USES PERMITTED. All uses permitted in C-3 Community Regional Commerce District.

SUBD. 3. USES BY SPECIAL PERMIT.

- A. All uses permitted by special use in the C-3 Community Regional Commerce District and the following:
- B. Adult Use-Principal (as defined in Chapter 5, Section 5.91) subject to the following minimum requirements:
 - 1. Adult uses-principal and establishments shall be at least 200 feet from any property zoned residential.
 - 2. An adult use-principal or establishment shall be separated at least 200 feet from any other adult use or establishment.
 - 3. An adult use-principal or establishment shall obtain all required city licenses before commencing operation.
- C. Adult Use-Accessory (as defined in Chapter 5, Section 5.91) subject to the following minimum requirements:
 - 1. Adult uses-accessory and establishments shall be at least 200 feet from any property zoned residential.
 - 2. An adult use-accessory or establishment shall be separated at least 200 feet from any other adult use or establishment.
 - 3. An adult use-accessory or establishment shall obtain all required city licenses before commencing operation.
 - 4. Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:
 - a. Movie rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access for which is in clear view and under the control of the persons responsible for the operation.

2003-01

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033
Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 1026 North Frontage Rd

Legal Description of Property Involved: see attached

Applicant:
Name Joseph M Slapnicher
Address 1352 16th St W
Hastings, MN 55033
Phone 651-437-7929
FAX 651-437-2910

Official Use Only
Date Rec'd _____
File No. _____
Fee Paid _____
Rec'd by _____
Ordinance # _____
Section _____

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

Request: _____	Special Use: _____
Rezone: <u>x</u>	Subdivision: _____
Comp Plan Amend: _____	Vacation: _____
Site Plan: <u>x</u>	Other: _____
Variance: _____	TOTAL: _____

Description of Request (include site plan, survey, and/or plat if applicable):
Rezone from A~~E~~^{ER-3} Agriculture to C-1
General Commerce

Joseph Slapnicher 12-27-02
Signature of Applicant Date

Joseph Slapnicher 12-27-02
Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: **Public Hearing** –Zoning Ordinance Amendment #2003-05 – Amend Section 10.08, Subd. 2j - Off Premise Signs

REQUEST

The City Council is asked to hold a public hearing to consider the attached amendment to Section 10.08 Subd. 2 of the Zoning Ordinance, off premise signs. Subdivision j, "No off-premise signs permitted" would be deleted.

The City Council ordered the public hearing and considered first reading of the amendment at the January 21, 2003 City Council Meeting.

RECOMMENDATION

The Planning Commission unanimously voted to recommend approval of the amendment at the January 13, 2003 meeting with limited discussion. No one spoke for or against the item during the public hearing.

ATTACHMENTS

- Ordinance Amendment
- Portable Sign Language

BACKGROUND

The existing provision does not allow businesses with reader boards incorporated into their Identification Sign (e.g. Hastings Inn, KDWA Radio, Dairy Queen) to post announcements or advertisements for businesses or activities that are not directly conducted on site.

During December, a number of businesses along Vermillion Street were cited in violation of the provision, and have questioned its purpose. Staff consulted the Planning Committee of the City Council about removal of the provision. It was agreed that the current provision regulates the content of sign speech as opposed to sign placement, and should be removed from the ordinance.

The change would not affect portable signs. Portable signs are regulated elsewhere in the ordinance (see attachment) and their restrictions on use and placement would continue.

ORDINANCE NO. _____, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING
CHAPTER 10, SECTION 10.08, SUBD. 2j OF THE HASTINGS CITY CODE
PERTAINING TO:**

PROHIBITED SIGNS AND SIGN STRUCTURES

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

SEC. 10.08, Subd. 2j of the Hastings City code is removed in its entirety as follows:

SUBD. 2 PROHIBITED SIGNS AND SIGN STRUCTURES

~~j. No off-premise signs permitted.~~

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

ADOPTED by the Hastings City Council on this _____ day of _____ 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the _____ of _____, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

This instrument drafted by:
City of Hastings
101 4th St.
Hastings, MN 55033

Portable Sign Requirements

8. Portable signs are allowed in all commercial districts, except within the Downtown Overlay District, in addition to permanent signs, only by temporary permit issued by the Community Development Division according to provisions established under Subdivision 5 of this Section. Portable signs may not exceed 32 square feet in size or six feet in height. The length of permits for portable signs shall be either 15 or 30 days. Permits for portable signs may be obtained for no more than 60 days per legal parcel per year. Only one portable sign per legal parcel may be permitted at a time. Portable signs may not be situated within any public street right-of-way or easement. Temporary sign permit fees shall be established by resolution of City Council.

SUBD 2. PROHIBITED SIGNS AND SIGN STRUCTURES.

- a. No sign shall be located within or over a public right of way unless otherwise specifically permitted by this section or the City Council.
- b. No illuminated flashing or revolving signs shall be permitted except movie theaters, time and temperature provided such signs are designed so as not to be obtrusive to adjacent property or to passing motorists on private or public right of ways. Furthermore, movie theaters with illuminated flashing or revolving signs shall use light bulbs that are 25 watts or less and shall not be operated between midnight and 6:00 a.m.
- c. No sign shall be erected or maintained in a way that obstructs, obscures or otherwise physically interfere with an official traffic sign, signal/device or driver's view of approaching, merging or intersecting traffic.
- d. No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal or device. Furthermore, no sign shall contain such wording including, but not limited to, "stop," "warning" or "caution" which may be confused with traffic signing or controls unless such signs are approved by the City.
- e. No sign shall be painted or placed on a fence, utility pole, tree or other like structure except those signs that provide public information concerning a school, city, county, state or federal event.
- f. No sign shall be made of paper, cardboard or similar material and attached directly to a building.
- g. No sign/structure shall be placed that will obstruct safe access to doors, windows or fire escapes.
- h. No sign shall be supported by guy wires.
- i. No sign shall be placed on a rooftop or project above the roof line when attached to a structure except as may be permitted by the City Council under Subd. 1, of this section.
- j. No off-premise signs permitted.
- k. Any sign not expressly permitted by the provisions of Section 10.08.

SUBD 3. SIGNS PERMITTED WITHOUT A PERMIT.

- a. Traffic signs as approved by the Public Works Director.
- b. Public signs as approved by the City of Hastings.
- c. Election/campaign signs on private property provided such signs are posted no sooner than 100 days before a city, school, county, state or federal election and removed within 10 days following an election. No election signs shall be affixed to utility poles.

ORDINANCE NO. ____ - SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
HASTINGS CITY CODE SECTION 9.84 BY ADDING A PROVISION
PROHIBITING GLASS BEVERAGE CONTAINERS OF ANY TYPE
FROM BEING BROUGHT INTO, USED OR DISCARDED
WITHIN ANY CITY PARK.

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

I. Hastings City Code Section 9.84, is amended to add the following new Subdivision 4:

SUBD. 4 GLASS BEVERAGE CONTAINERS PROHIBITED.

1. It is unlawful for any person to bring into, use or discard, in any City park, any glass beverage containers, including but not limited to pop, beer and water bottles, drinking glasses and drinking cups.
2. Existing Subdivisions 4, 5 and 6 shall be renumbered accordingly.

II. 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.

This ordinance was adopted by the Hastings City Council on this ____ day of _____, 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko, Administrative Asst./City Clerk

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: 2nd Reading – Rezoning #2003-01 to rezone property from A – Agriculture, and R-3 – Medium\High Density Residence to C-1 General Commerce – 1026 North Frontage Road

Please see Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: Slapnicher, Joseph – Site Plan Review #2003-01 to construct an office building (eye clinic) at 1026 North Frontage Road.

REQUEST

Dr. Joseph Slapnicher seeks approval of the attached resolution and site plan to construct a 6,500 s.f. office building (eye clinic) at 1026 North Frontage Road. The request is submitted in conjunction with a request to rezone the property to C-1, General Commerce.

RECOMMENDATION

The Planning Commission recommended unanimous approval of the request at the January 13, 2003 meeting, subject to the conditions of the attached resolution. One resident spoke questioning whether State Street would be opened to Highway 55. Staff clarified that the connection is not proposed as part of the request.

Building Setback\Fire Separation

The Planning Commission deleted Staff's recommendation to construct the building 16 feet east of the proposed placement (45 feet east of the west property line). Commissioners believed the requirement to relocate the building encumbered the property and property owner.

Under the Uniform Fire Code, a maximum distance of 250 feet is allowed between an approved water supply (fire hydrant) and the building. The Fire Marshall contends that the building must be moved an additional 16 feet meet requirements, and continues to recommend the change. Please see the attached memorandum from Mike Schutt, Fire Marshall for further information.

Since the Planning Commission Meeting, the building has been moved 11 feet easterly. The building would need to be moved an additional 5 feet to meet the recommendation of the Fire Marshall.

Upon recommendation of the Planning Commission, the requirement to relocate the building has not been added as a condition for approval.

ATTACHMENTS

- Resolution
- Location Map
- Site Plan
- Building Elevations
- Landscape Plan
- Planning Commission Minutes ~ January 13, 2003
- Letter from Mike Schutt, Fire Marshall ~ January 28, 2003
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The subject property is guided C – Commercial in the Hastings Comprehensive Plan. The proposed rezoning is consistent with the Plan.

Zoning Classification

The proposed use conforms to the C-1 – General Commerce District. Commercial, office and retail facilities are permitted uses.

Adjacent Zoning and Land Use

The following land uses abuts the site:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	North Frontage Road Lions Park	A - Agriculture	P - Public
East	North Frontage Road Vacant	A - Agriculture	P - Public
South	Minnesota Hwy 55 Vacant	O-1 – General Office	O - Office
West	Single Family Home	C-1 – General Comm.	C-Commercial

Existing Condition

The existing site is generally flat, consisting of two lots of record. The most western parcel contains an existing single family home and accessory structures that would be demolished. The eastern parcel is vacant. The site contains a few mature deciduous trees along Highway 55 (south); and along a low area west of the proposed building.

Proposed Change

Construction of a 6,500 s.f. office building (eye clinic) consisting of a 5,000 s.f. main floor and 1,500 s.f. basement. A western expansion is proposed in the future and would require further site plan approval.

SITE PLAN REVIEW

Building Setbacks

Building Setbacks in the C-1 District are not specified in the Zoning Ordinance. Proposed setbacks are similar to neighboring commercial buildings along Highway 55. The building would be set back approximately 20 from the Highway 55 right-of-way (45 feet from the road surface). Setbacks to the North Frontage road are in excess of 90 feet. Staff supports the proposed building setbacks with the following change:

- 1) The building must be moved at least 5 feet eastward (45 feet from the west property line) to comply with fire hydrant distance limits. Movement of the building would also reduce the impact on the ravine area and provide additional opportunity for preservation of significant trees. It appears there is adequate room to move the building east with minimal impact.

Access and Circulation

Vehicular circulation is acceptable. Access would be provided from the North Frontage Road only. Direct vehicle access to Highway 55 is not proposed and is prohibited. A raised concrete island median has been incorporated at the center of the drop off area to better channel traffic. The drive lane around the median must be at least 26 feet in width to accommodate emergency access vehicles.

Off-Street Loading

An off street loading area has been designated at the southeast corner of the parking lot. The loading area shall be striped to prohibit parking.

Parking

The Site exceeds minimum parking requirements. Parking is provided as follows:

Site	Required Spaces	Proposed Spaces
Office Bldg ~ 6,500 s.f.	22 (1:300 s.f.)	31

All parking areas must be constructed of bituminous surfacing and concrete curb and gutter.

Parking Lot Setback

The parking lot meets the minimum 10 foot right-of-way setback requirement along North Frontage Road.

Pedestrian Access

General sidewalk and pedestrian access is acceptable. A sidewalk is proposed to connect the building to the existing sidewalk along the North Frontage road at two locations.

Fire Hydrant/Sidewalk Access

The proposed sidewalk from the east parking lot to the North Frontage Road serves to access an existing fire hydrant. The Fire Department has reviewed the location and requests the following:

- 1) The sidewalk shall be maintained to provide year round emergency access.
- 2) Future additions to the west side of the building may require construction of a fire hydrant.

Architectural Elevations

Architectural elevations have been submitted. A one story building with a high pitched roof is proposed. The roof would consist of black asphalt shingles, and the building would be sided with a combination of brown face brick along the bottom quarter, and cedar lap siding. An enhanced entryway on the north side, and large window on the east and west sides help break up the building façade. Precast planters have been incorporated into the building design along the main entrance to the north. Building materials and windows are well used along the north, east and west elevations to break up the building mass. The south elevation (facing Highway 55) will be the most visible side. Windows have been added to break up the elevation. Any rooftop equipment shall be screened by a parapet wall.

Trash and Recycling Enclosure

The applicant proposes to contain all trash and recycling within the building. A building floor plan must be submitted showing a designated trash and recycling area to the satisfaction of the Planning Director in order to avoid construction of a separate waste enclosure .

Fencing and Walls

Fencing or walls have not been indicated on the site plan. Construction of any fencing or walls must be approved by the Planning Director.

Landscape Plan

The Landscape plan provides for a variety of plantings adjacent to building and throughout the site. Foundation planters have been incorporated into the building design. The following additions are needed to comply with minimum requirements:

- 1) Boulevard trees must be planted at spacings of no less than 50 feet along all public right-of-ways. Boulevard trees must be deciduous and at least 2.5 caliper inches at planting.
- 2) Shrub plantings are needed directly north of Parking Spaces 1-9 to shield headlight views. Shrubs must be planted at a density great enough to provide for a continuous plant mass.

Tree Preservation

The site contains mature trees along Highway 55, and a ravine area in the center of the parcel. The applicant has identified significant trees, but must further clarify which trees will be preserved.

Lighting Plan

A photometric lighting plan must be submitted to showing foot candle illumination of the property. Illumination levels are limited to 0.5 foot candles at the property line as required in the Zoning Code.

Signage

One monument sign is proposed at the northwest corner of North Frontage Road and Highway 55. Although signs permits are considered after site plan approval, the sign area appears to exceed maximum requirements of the C-1 District. Monument signs are limited to 6 feet in height and 50 square feet in size. Wall signage is allowed up to 5 percent of the building façade on which the sign is located.

Handicap Accessibility

Additional information is needed to determine occupant load and compliance with Handicap Accessibility requirements for the basement area. A ramp or elevator to the basement may be needed subject to occupant load and use.

Wells

Any wells on site must be properly abandoned and sealed as a condition of approval.

Grading and Utility Plans

Preliminary Grading and Utility Plans have been submitted for cursory review. Formal submittal and approval of the Grading and Utility Plans must still be approved by the Public Works Director. Preliminary comments include:

- 1) All stormwater discharge shall be directed into appropriate infrastructure or stormwater basins.
- 2) The proposed curb cut for drainage located between Parking Stalls 13 and 14 will not be acceptable.
- 3) The proposed water connection must be verified to ensure proper sizing for domestic use and fire suppression.
- 4) Utilization of water and sewer connections of the existing home by the office building limits the ability to serve future construction to the west. Additional infrastructure improvements are likely needed to serve property abutting to the west.

Minnesota DOT Review

Plans have been submitted to the Minnesota Department of Transportation for their review and approval. The applicant shall address any MNDOT requirements as conditions of approval.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE SITE PLAN OF DR. JOSEPH SLAPNICHER FOR
CONSTRUCTION OF AN OFFICE BUILDING LOCATED AT THE INTERSECTION
OF NORTH FRONTAGE ROAD AND HIGHWAY 55, HASTINGS, MN**

Council member _____ introduced the following Resolution and
_____ moved its adoption:

WHEREAS, Dr. Joseph Slapnicher has petitioned for approval to construct a 6,500 square foot office building at the northwest corner of North Frontage Road and Highway 55, legally described as follows:

The South 75 feet of Lot 6 and 7, Block 48, ADDITION NO. 13, Dakota County Minnesota, and the East 10 feet of the South 75 feet of Lot 8, Block 48, and the East 10 feet of Lot 13, Block 48, and all of Lots 14 and 15, Block 48.

AND

Part of Lots 1 Thru 5, Block 48 ADDITION NO. 13, Dakota County, Minnesota lying southerly of Parcel 259G, of MINNESOTA DOT RIGHT-OF-WAY PLAT 19-80; and Lots 16 through 20, except the South 12 feet thereof.

WHEREAS, on January 13, 2003, review was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF HASTINGS AS FOLLOWS:**

That the City Council hereby approves the site plan request of Dr. Joseph Slapnicher to construct a 6,500 square foot office building subject to the following conditions:

- 1) Approval of the rezoning of the property to C-1 General Commerce.
- 2) Adherence to the Site Plan, Landscape Plan, and Architectural Elevations as presented in the staff memorandum to the City Council dated February 3, 2003.
- 3) Direct access to Minnesota Highway 55 is prohibited.
- 4) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.

- 5) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 6) Final approval of the development grading and utility plans by the City of Hastings. The applicant shall be liable for any costs involved in consultant review of the plans.
- 7) All rooftop equipment shall be screened by a parapet wall.
- 8) The sidewalk connecting the building site to the fire hydrant along the North Frontage Road shall be maintained to provide year round emergency access.
- 9) Deciduous boulevard trees of at least 2.5 caliper inches must be planted at spacings of no less than 50 feet along all public right-of-ways.
- 10) Shrubs must be planted directly north of Parking Spaces 1-7 to create a vegetative buffer to the North Frontage Road. Shrubs must be planted at a density great enough to provide for a continuous plant mass.
- 11) Future additions to the west side of the building may require construction of a fire hydrant.
- 12) A separate waste disposal area shall be identified on the floor plan to the satisfaction of the Planning Director or a waste enclosure structure shall be constructed with materials matching the primary building.
- 13) Removal of all existing buildings before construction of the proposed office building.
- 14) Removal and repair of the existing curb cut accessing the home at 1026 North Frontage Road.
- 15) A photometric lighting plan must be submitted to showing foot candle illumination of the property. illumination levels are limited to 0.5 foot candles at the property line as required in the Zoning Code
- 16) Monument signs shall be architecturally consistent with the buildings on site and incorporate similar materials into their construction.
- 17) Any wells on site must be properly abandoned and sealed before construction of the office building can commence.
- 18) The applicant must prepare a Tree Plan to identify significant trees for preservation to the satisfaction of the Planning Director and City Forester.
- 19) Adherence to Minnesota Department of Transportation requirements.

20) Approval is subject to a one year Sunset Clause; if significant progress is not made towards construction of the proposal within one year of City Council approval, the approval is null and void.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

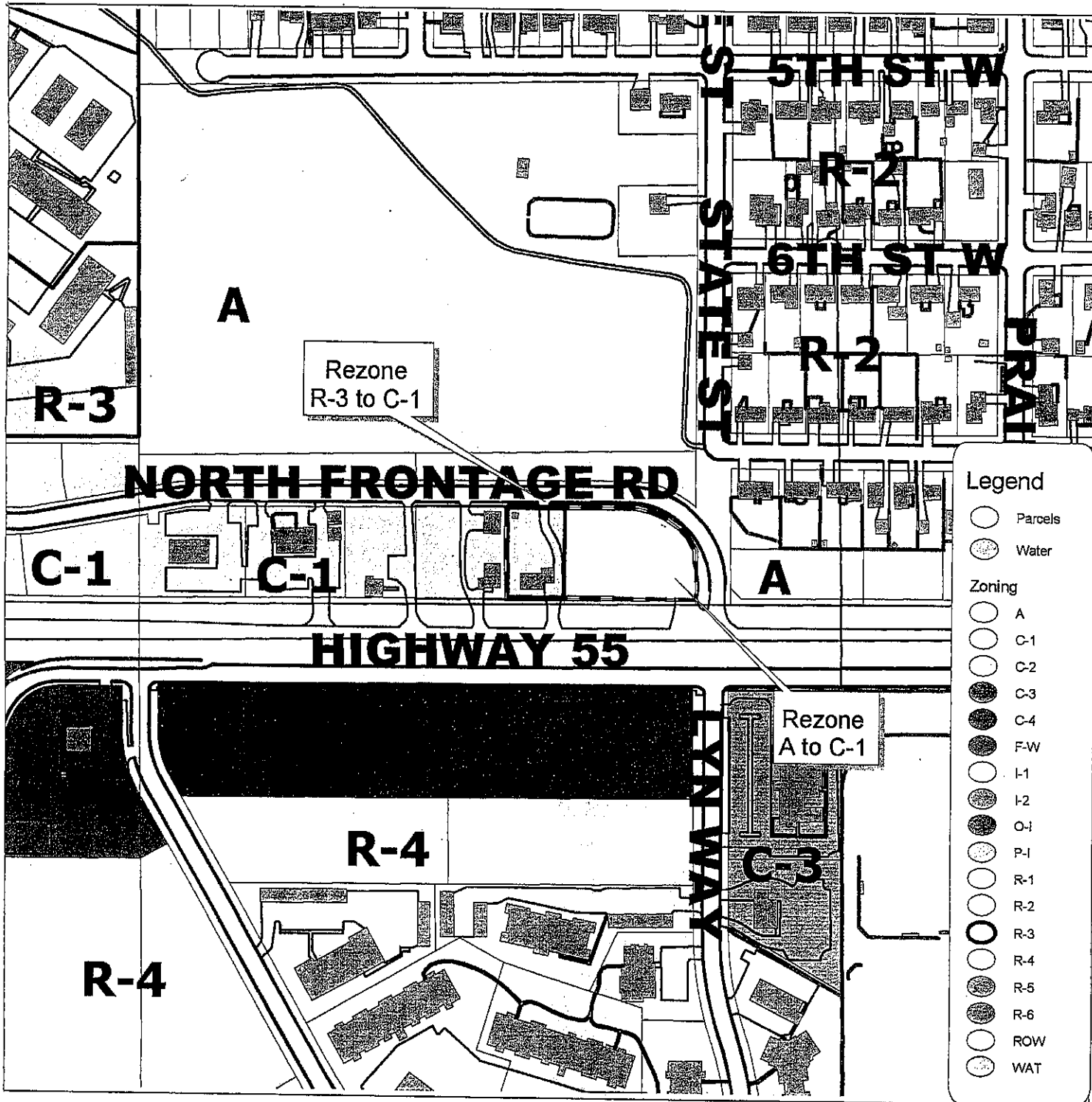
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk




(SEAL)

This instrument drafted by:
City of Hastings
101 4th St. East
Hastings, MN 55033














Slapnicher Eye Clinic Rezoning and Site Plan

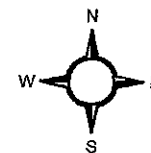


Legend

-  Buildings
-  Roads
-  Parcels

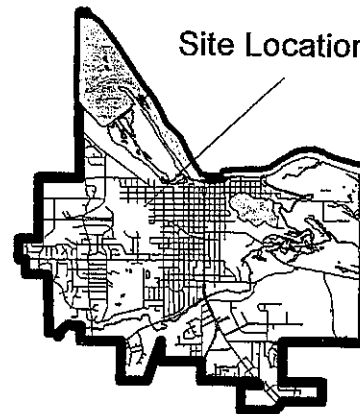
Legend

-  Parcels
-  Water
- Zoning**
-  A
-  C-1
-  C-2
-  C-3
-  C-4
-  F-W
-  I-1
-  I-2
-  O-1
-  P-1
-  R-1
-  R-2
-  R-3
-  R-4
-  R-5
-  R-6
-  ROW
-  WAT

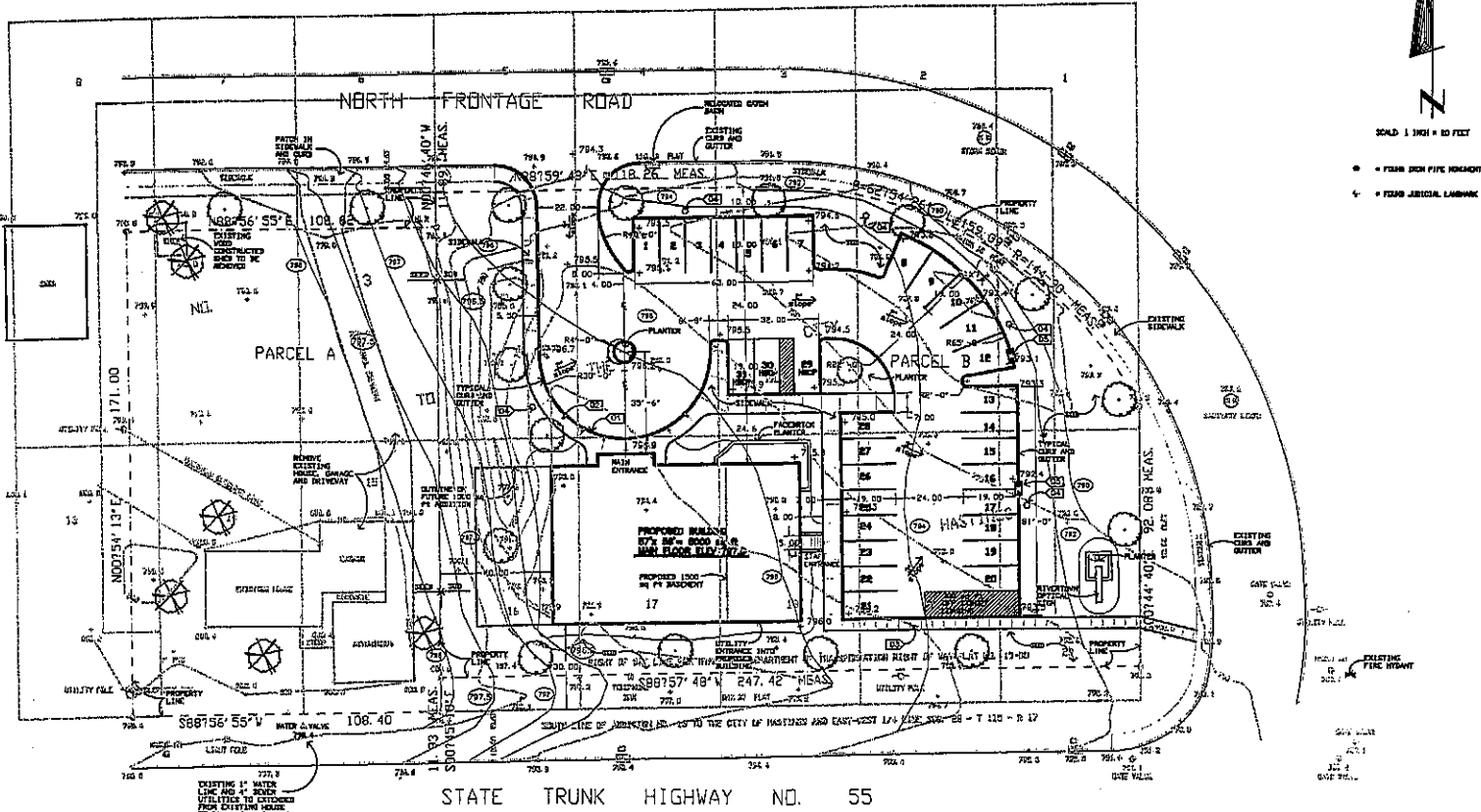


Map Date: January 10, 2003

Site Location



ADDITION



SCALE 1 INCH = 80 FEET

● = 4" IRON PIPE PENETRATION

○ = 4" IRON JERSEY LAMINA

Rcvd 1/27/03

DR JOE SLAPNICHER
EYE CLINIC
 1028 NORTH FRONTAGE ROAD

SITE PLAN
 BY JERRY AUSEN

PARCEL A: The whole (all part of Lots 4 and 7) and the South 75 feet of Lot 8, except the West 40 feet (horizontally) Lot 19, excepting therefrom the West 40 feet thereof; and all of Lots 24 and 25, all of the foregoing in block 48, ADDITION NO. 12 TO THE CITY OF HASTINGS, as file and of record in the office of the Registrar of Titles, Dakota County, Minnesota.

Subject to the rights of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-00, on file and of record in the office of the Registrar of Titles, Dakota County, Minnesota, if any.

PARCEL B: Lots 16, 17, 18, 19 and 20 of Block 48 of ADDITION NO. 12 TO THE CITY OF HASTINGS, on file and of record in the office of the County Recorder, Dakota County, Minnesota, except the West 10.00 feet thereof, and that part of Lots 1, 2, 3, 4 and 5 of Block 48 of ADDITION NO. 12 TO THE CITY OF HASTINGS, lying easterly of PARCEL A, as of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-00 (NORTH FRONTAGE ROAD), on file and of record in the office of the County Recorder, Dakota County, Minnesota.

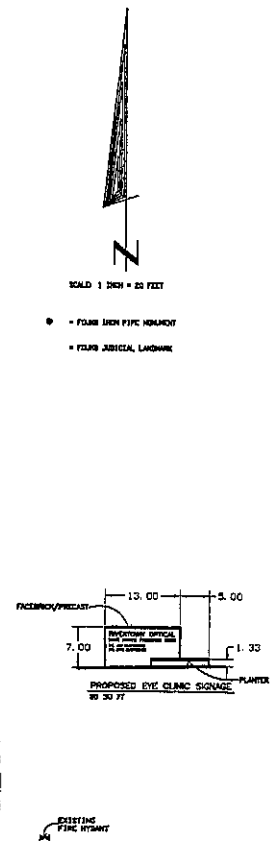
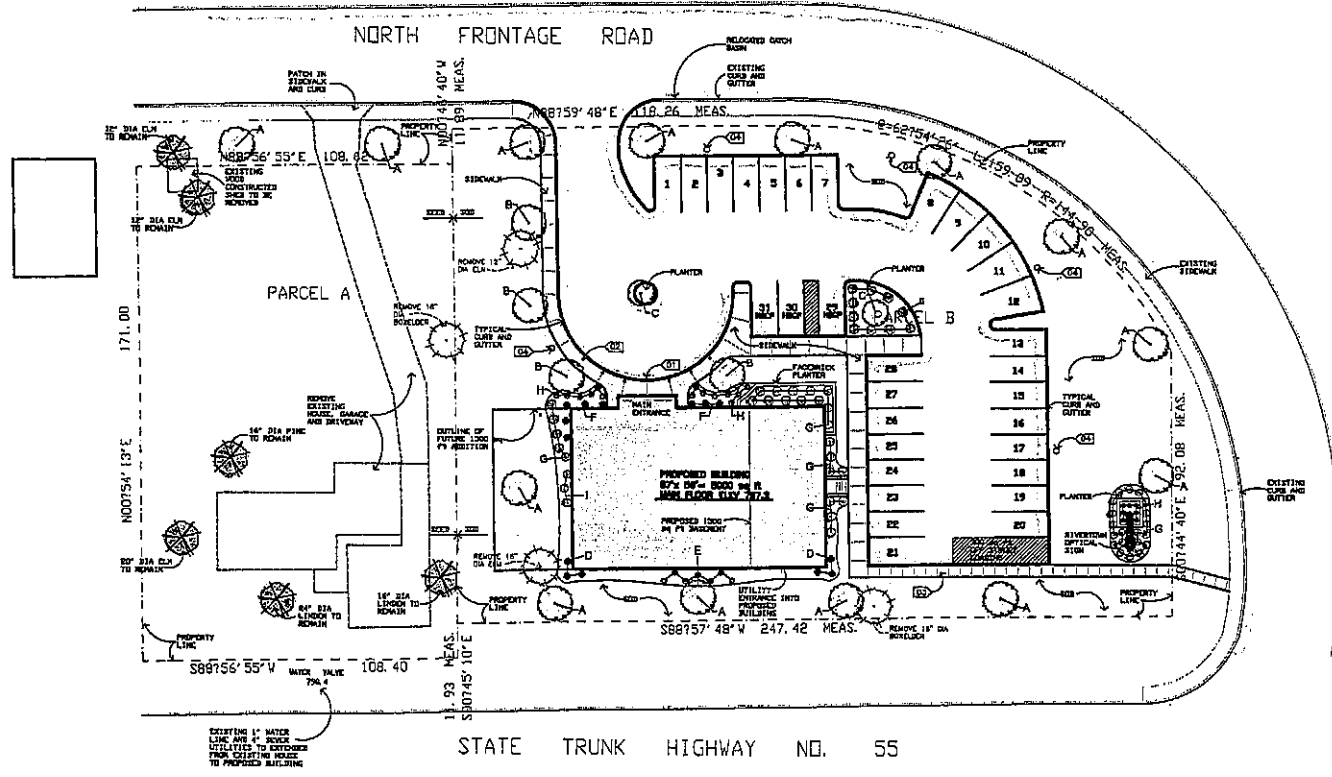
GENERAL NOTES

1. ALL TRASH AND RECYCLING WILL BE REMOVED AFTER THE PROPOSED BUILDING IS UNDER CONSTRUCTION.
2. NO FENCING OR RETAINING WALLS HAVE BEEN INCORPORATED IN THIS PROJECT'S DESIGN.
3. EXISTING CATCH BASIN SOUTH SIDE OF NORTH FRONTAGE ROAD NEED TO BE MOVED TO THE EAST. THIS IS DUE TO THE DRIVE ACCESS FROM THE NORTH FRONTAGE TO THE PROPOSED PARKING LOT.
4. THE PROPOSED BUILDING HAS A 11'-0" FINISH LEVEL OF 18'-0" FEET TO THE EAST END. RECOMMENDED ACTION FROM THE PLANNING COMMISSION MEETING IN JANUARY 7, 2003.
5. TEMPORARY FENCING WILL BE INSTALLED AROUND EXISTING TREE TO REMAIN FOR DURATION OF SITE CONSTRUCTION.
6. GRADE FOR LOWER LEVEL WILL BE FOR TRANSPORTATION STORAGE, REDEMPTION AND DISPLAY AREA.

SITE WORK KEY NOTES

01. CARE OF TO EXISTING ALONG FRONT OF PIPE WALLAGE
02. 4" DIA x 8' STEEL PIPE BEHIND WALLAGE ON UP-DROVER FROM CENTER OF CIRCLE TURN-AROUND
03. 4" x 4" VINE SINKHOLE FOR FIREWORK ACCESS FROM FIRE HYDRANT TO BUILDING
04. 1/2" DIA CONCRETE BASE- 18'-0" DIA. VINE SINKHOLE FROM LIGHTS 1/2" DIA. HIGH PRESSURE SINKHOLE CLEAR
05. INSTALL TO NEW CATCH BASIN'S AND PIPE WITH GUTTER STRIP ALONG EXISTING CORNER OF SITE.

75.7
 75.8
 WITH 3/8"



STATE TRUNK HIGHWAY NO. 55

PLANT MATERIAL LIST

KEY	PLANT NAME	SIZE	QTY
A	ASH WINDMILL	2 1/2"	14
B	MAPLE, HORTENHOODS	2 1/2"	4
C	CRABAPPLE, PHOENIX	2 1/2"	2
D	WINDY EDITIONS	2 1/2"	2
E	WEDGIA, BONE & ROSE	2 1/2"	2
F	YORK, YACHTON	2 1/2"	2
G	SPREAD, MARCH COMPACT	2 1/2"	2
H	BURNING, CHANDLER	2 1/2"	2
I	LEAG, CHAMP	2 1/2"	2

LANDSCAPE NOTES

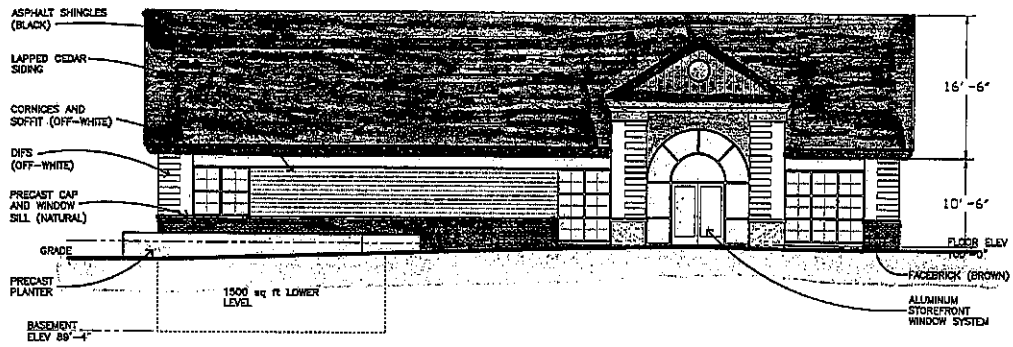
MAINT - 1 1/2" STEELTONE ROCK AROUND BUILDING AND PLANTERS
 EDGING - BLACK CHAINLINK RUBBER EDGING BETWEEN MAINT AND SOIL
 TREES - MAINTED WITH SHEARED MAINT.

SITE WORK KEY NOTES

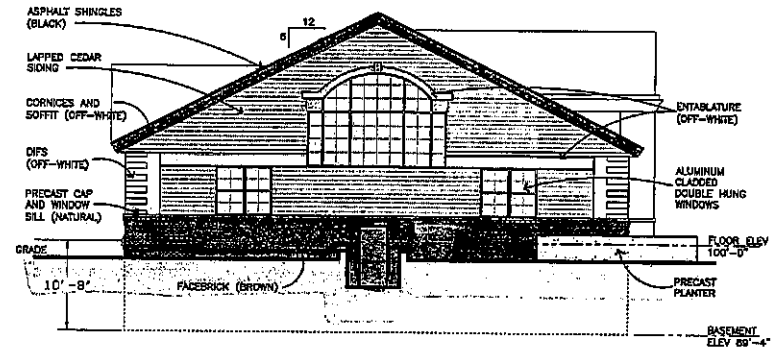
- (C1) CURB CUT TO EXTERIOR ALONG FRONT OF PINE BOLLINGS
- (C2) 6" DIA X 30' STEEL PIPE BEARING, SPACES ON 12" CENTER FROM CENTER OF DRIVEWAY
- (C3) 4" WIDE STEELWALK FOR FIREMAN ACCESS FROM FIRE HOSEWAY TO BUILDING
- (C4) 18" DIA CONCRETE BASE, 18" WIDE WALK, SPREAD DOWN LIGHTS UPON FROM PROPOSED SIGN LIGHT SOURCE
- (C5) EXTERIOR HEIGHT OF EXISTING PROPOSED SIGN LIGHT SOURCE FOR PAINTING LOT BRIDGING

**DR JOE SLAPNICKER
 EYE CLINIC**
 1028 NORTH FRONTAGE ROAD

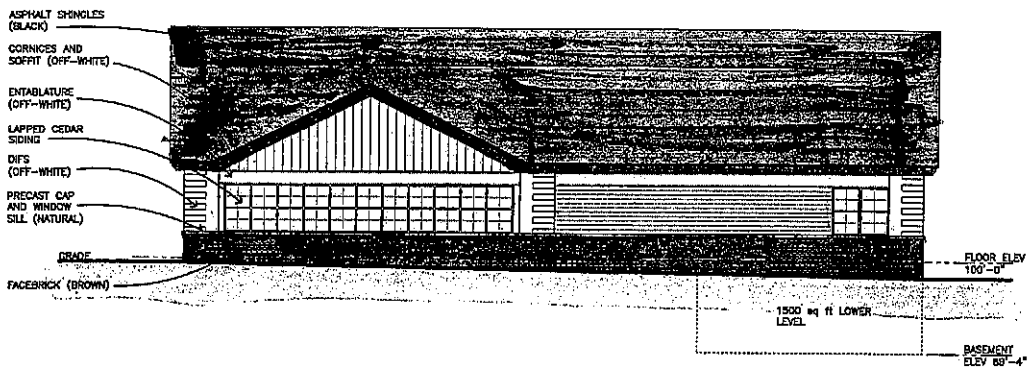
LANDSCAPE PLAN
 BY JERRY AUSON



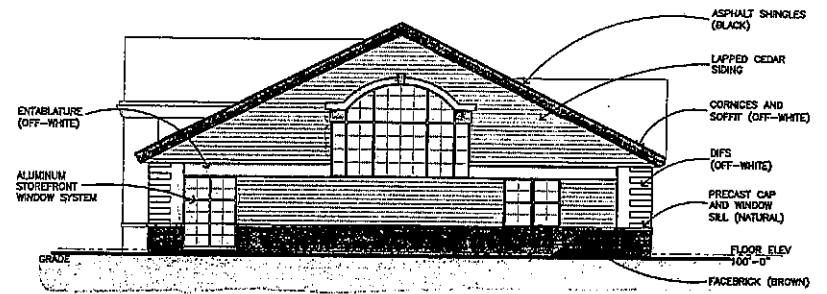
① NORTH ELEVATION
1/8"=1'-0"



② EAST ELEVATION
1/8"=1'-0"



③ SOUTH ELEVATION
1/8"=1'-0"



④ WEST ELEVATION
1/8"=1'-0"

DR JOE SLAPNICHER
EYE CLINIC
1028 NORTH FRONTAGE ROAD

EXTERIOR ELEVATIONS
BY: JERRY AUSEN

Planning Comm. Minutes

3. **Slapnicher, Joseph** – Rezoning/Site Plan #2003-01 – To rezone property from A-Agriculture & R-3 Medium-High Density Residence, to C-1 General Commerce and Site Plan to construct an office building (eye clinic) at 1026 North Frontage Road.

Director Hinzman presented background information on the project.

Chairman Anderson opened the public hearing at 7:12 pm.

Dan Mann, 929 6th Street West, stated that while he didn't have any concerns with the building itself, it appeared from the site location map that State Street would be opened to Highway 55.

Planner Jenson responded that the location map shows dedicated right-of-way, in which State Street does connect to Highway 55, but that the City had no plans to physically connect the roads.

John Langenfeld, builder of the project, stated that they are planning to add additional detail to the building per Staff's comments. The basement area is simply for storage of files and materials used in the course of business and there are no plans for any employee areas.

Chairman Anderson closed the public hearing at 7:15 pm.

Commissioner Truax asked if the applicant were to move the building 16' to the east, would the site lose any parking.

Director Hinzman noted that there is an additional 20-30 feet between the proposed parking area and the property line.

Commissioner Alongi asked if the site would still meet parking levels were it to lose the 7 spaces along the east side of the parking lot.

Director Hinzman stated that they would still meet parking requirements.

Commissioner Twedt asked where the other locations of fire hydrants on North Frontage Road.

Director Hinzman stated there were none as there is no water main along North Frontage Road.

Commissioner Truax expressed concern that the City was encumbering the applicant by making them move the building to the east to be closer to the fire hydrant.

Commissioner Truax questioned when hydrants would be added to the road.

Chairman Anderson stated he feels the building should be sprinkled and doesn't see how moving the building helps the situation. He would prefer to see a water main added along North Frontage Road.

Director Hinzman stated that in his looking at moving the building, it was from a site plan point of view – there is room on the lot, the applicant has stated that there is a possibility in the future for expansion, and there are some mature trees immediately west of the intended

building location. Moving the building to the east leaves more room for expansion and preserves more of the mature trees.

Mr. Langenfeld added that to add a hydrant to the site would require them to go into Highway 55, which he is doubtful that MnDOT would grant access to, or access a deep water main to the east of the site.

Chairman Anderson asked where water service for the building was coming in.

Mr. Langenfeld stated that the neighboring home, which is being purchased along with the lot to the east, has an existing 1" water service. The house will be removed as a part of the construction of this building, and service will be provided from that existing line. He also added that there will be no expansion on this site.

Director Hinzman questioned the statement regarding expansion, seeing as how expansion areas were indication on initial plans.

Mr. Langenfeld stated that it was only shown because they had they room. Mr. Slapnicher does not anticipate the need for a building expansion.

Commissioner Greil asked if the applicant has any problems moving the building. Mr. Langenfeld stated that they do not; however extending a waterline from Westview Drive is prohibitive.

Commissioner Hollenbeck suggested that the 4 spaces located on the angle be removed, to eliminate conflicts of vehicles coming around a corner and others backing out/pulling into spaces.

Mr. Langenfeld stated that Mr. Slapnicher would like to keep the spaces due to a large number of staff working at the building, and wanting to have as many spaces for patients as possible.

Planning Commission Action:

Commissioner Twedt moved and Commissioner Michno seconded a motion to recommend approval of the rezoning from R-3 Medium-High Density Residential and A Agriculture to C-1 General Commerce to the City Council.

Upon vote taken: Ayes: 7, Nays: 0. Motion carried.

Staff included several conditions for the applicant to comply with prior to submitting the plans to the City Council. One of these conditions was to move the building 16' to the east. Commissioner Twedt, as a part of his motion, requested that that condition be removed. It was accepted by Commissioner Michno, who seconded the motion.

Commissioner Twedt moved and Commissioner Michno seconded a motion to recommend approval of the Slapnicher Eye Clinic site plan to the City Council, subject to the following conditions:

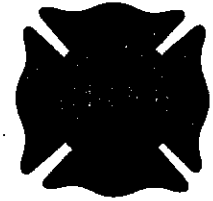
- 1) Adherence to the attached Site Plan, Landscape Plan, and Architectural Elevations.

- 2) Direct access to Minnesota Highway 55 is prohibited.
- 3) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
- 4) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 5) Final approval of the development grading and utility plans by the City of Hastings. The applicant shall be liable for any costs involved in consultant review of the plans.
- 6) All rooftop equipment shall be screened by a parapet wall.
- 7) The sidewalk shall be maintained to provide year round emergency access.
- 8) Future additions to the west side of the building may require construction of a fire hydrant.
- 9) All waste enclosure areas shall be constructed with materials matching the primary building.
- 10) Designation of Delivery Truck routing and parking areas.
- 11) Removal of all existing buildings before construction of the proposed office building.
- 12) Removal and repair of the existing curb cut accessing the home at 1026 North Frontage Road.
- 13) A photometric lighting plan must be submitted to showing foot candle illumination of the property. illumination levels are limited to 0.5 foot candles at the property line as required in the Zoning Code
- 14) Waste enclosure details must be submitted before site plan approval and shall be consistent with the style, quantity and type of materials as the principal buildings.
- 15) Monument signs shall be architecturally consistent with the buildings on site and incorporate similar materials into their construction.
- 16) Any wells on site must be properly abandoned and sealed before construction of the office building can commence.
- 17) The applicant must prepare a Tree Plan to identify significant trees for preservation to the satisfaction of the Planning Director and City Forester.
- 18) Adherence to Minnesota Department of Transportation requirements.

Upon vote taken: Ayes: 7, Nays: 0. Motion carried.



HASTINGS FIRE DEPARTMENT



MARK J. HOLMES, CHIEF
115 West 5th Street
Hastings, Minnesota 55033-1815

Business Office (651) 437-5610
Fax (651) 437-5956

TO: John Hinzman, Planning Director
CC: Mark J. Holmes, Fire Chief
John Langenfeld

FROM: Michael T. Schutt, Assistant Fire Chief/Fire Marshal

DATE: January 28, 2003

SUBJECT: 1026 North Frontage Road

While reviewing conceptual plans for a building to be located on the above-mentioned property, it was noted that the proposed building did not meet the distance requirements to an approved water supply for fire suppression activities.

Minnesota Uniform Fire Code 903.4.2 has an allowable maximum distance of 250 feet to an approved water supply. When approved by the Fire Marshal, the distance may be increased by 10%. The proposed building was approximately 300 feet from the closest fire hydrant located at State Highway 55 and North Frontage Road. My recommendation was to move the building 30 feet to the east. This would position the building within the allowable distance by code. I spoke with the developer, Mr. John Langenfeld, regarding this matter. He stated he was more than willing to move the building 30 feet to the east.

When the site plans were redrawn, it showed the building moved 14 feet to the east, not the 30 feet that was agreed upon. Mr. Langenfeld brought this to my attention, stating this was an unintentional error in the drawing and would be corrected. However, due to the upcoming planning commission meeting, Mr. Langenfeld did not have time to redo his site plan.

It is my understanding that the planning commission struck down the request to move the building the recommended 30 feet, even though the developer was willing to do so.

Mr. John Hinzman
Page 2
January 28, 2003

Last week, Mr. Langenfeld contacted me. He stated he is still willing to move this proposed building the additional 16 feet to the east, for a total of 30 feet as was earlier agreed upon. Mr. Langenfeld has been more than cooperative in working with staff on this project.

It is still my recommendation to move the proposed building the additional 16 feet.

Further, as additional commercial properties are developed to the west on North Frontage Road, water supply issues will need to be addressed; as there are limited fire hydrants in that area.

If you have any questions, please feel free to contact me at Ext. 4154 or 651-480-6154.

2003-01

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033

Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 1026 North Frontage Rd

Legal Description of Property Involved: see attached

Applicant:

Name Joseph M Slapnicher
Address 1352 16th St W
Hastings, MN 55033
Phone 651-437-7929
FAX 651-437-2910

Official Use Only
Date Rec'd
File No.
Fee Paid
Rec'd by
Ordinance #
Section

Owner (If different from Applicant):

Name _____
Address _____
Phone _____

Request: _____
Rezone: x
Comp Plan Amend: _____
Site Plan: x
Variance: _____

Special Use: _____
Subdivision: _____
Vacation: _____
Other: _____
TOTAL: _____

Description of Request (include site plan, survey, and/or plat if applicable):

ER-3
Rezone from A Agriculture to C-1
General Commerce

Joseph Slapnicher 12-27-02
Signature of Applicant Date

Joseph Slapnicher 12-27-02
Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: 2nd Reading – Zoning Ordinance Amendment #2003-05 – Amend Section 10.08, Subd. 2j - Off Premise Signs

Please see Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: February 3, 2003

Subject: Wendy's Directional Sign Variance - #2003-04 to exceed the 2 square feet maximum per directional sign.

REQUEST

Landform Engineering, on behalf of Wendy's Restaurant, is seeking a variance to the 2 square foot maximum for directional signs on commercial property. This variance request deals only with directional signage for Wendy's Restaurant. At issue is the actual size of the sign area; the number of signs, their placement on the property, and the overall height of the signs is not in question.

BACKGROUND INFORMATION

Zoning Classification

The subject property is zoned C-4, Regional Shopping Center.

Existing Condition

There are currently signs on the building, as well as a monument sign and several menu boards in the drive-thru area.

Sign Allowances

The following directional signage would be allowed under the current sign ordinance:

e. C-4 Districts:

4. **On-Site Directional Signs.** To direct vehicular and pedestrian traffic in a safe and convenient manner, directional signs are permitted, provided the sign does not exceed four (4) feet in height and two (2) square feet in size. The number and location of directional signs will be determined through sign permit review.

Review Criteria

The following criteria have been used as findings of fact in granting variances to zoning provisions:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. The literal interpretation of the City Code would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of Chapter 10.
- C. That the special conditions and circumstances do not result from actions of the applicant.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
DENYING A DIRECTIONAL SIGN VARIANCE FOR
3625 VERMILLION STREET, HASTINGS, MINNESOTA**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, the Hastings City Council has initiated consideration of a variance for property located at the following address:

1316 South Frontage Road

Containing 1.03 acres, more or less.

WHEREAS, on January 13th, 2003, a review of this variance was held before the Planning Commission of the City of Hastings, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That a variance is denied for an increase in the sign face size of directional signs to 3', based on the following findings of fact:

1. Granting this variance would confer upon the applicant privileges not conferred upon other business.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution, and upon being put to a vote it was unanimously adopted by all Council members present.

Adopted by the Hastings City Council on February 3rd, 2003 by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee, Administrative Assistant/City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, Administrative Assistant/City Clerk

(SEAL)

This instrument drafted by:
City of Hastings
101 4th St. East
Hastings, MN 55033

- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 10 to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, or buildings in other districts shall be considered grounds for the issuance of a variance.

REVIEW OF THE CONDITIONS

The applicant has submitted a letter stating the reasons by which they feel a variance is justified for this site. The letter is included in the attachments. Also included is an illustration of the directional signs.

Existing Circumstances

The corner of Highway 55 and Westview Drive has been under construction for several months now. A Wendy's Restaurant (which is currently open), a Jiffy Lube Oil Change business and a small retail center are part of the development. Wendy's has proposed to use the directional signs to direct traffic around their building and towards the drive-thru lane.

Proposed Signage

Wendy's Restaurant is proposing three directional signs that each have a sign area of approximately 3 square feet. The signs state 'enter', 'exit', and 'pick-up window'.

Staff Recommendation

Staff recommends denial of the variance as Staff does not feel that the applicant has proven a hardship for the restaurant in terms of complying with the ordinance.

RECOMMENDED ACTION

Planning Commission Recommendation

The Planning Commission reviewed this item at their January 13, 2003 meeting. They unanimously recommended that the request be denied, finding that granting this variance would grant a privilege not granted to other businesses.

Staff Recommendation

Denial of the request to increase directional signage to over 2 square feet for the Wendy's Restaurant at 1316 South Frontage Road. The applicant has not proven the existence of a "special condition or peculiar circumstance unique to the property" as required by the Zoning Code. Granting of the variance without identification of a special condition would bestow upon the applicant special rights and privileges not granted to other businesses in the C-4 Zoning District.

ATTACHMENTS

- Application
- Letter to Commission
- Proposed signage



January 3, 2003

John Hinzman
Planner
City of Hastings
101 4th Street East
Hastings, MN 55033-1955

RE: Direction Sign Variance
Wendy's Restaurant
1318 South Frontage Road
Hastings, MN

Mr. Hinzman,

On behalf of Wendy's International, Landform is requesting approval to allow directional signs that are approximately 4 square feet in area where 2 square feet are permitted. We are requesting a variance for an entrance sign, exit sign and pick-up window (drive-through) sign. While your ordinance requires that sign area be calculated based on the area of the smallest rectangle that can be placed around the sign, the actual sign area is closer to 3 square feet due to the shape of the sign. Consequently, the increased sign area would be negligible, but would increase traffic safety in the area.

The proposed signs do not contain any logos, but are simply directional text with an arrow and are needed to safely direct traffic within the site. The directional signs are the prototypical directional signs used at Wendy's restaurants around the country and would not provide any additional advertising for the restaurant. Requiring custom-made directional signs would be an undue hardship for the applicant.

The variance for the directional signs would have no adverse effect on surrounding properties and would allow for clearly readable signs that will reduce the potential for traffic conflicts approaching the site and within the restaurant site.

We respectfully request approval of the sign variance for the Wendy's restaurant at the January 13, 2003 Planning Commission Meeting, based on the finding that the proposed directional signage is in keeping with the spirit and intent of the ordinance. The signage would provide no advertising, but would simply allow for clear, readable directional signage to improve traffic safety on site.

Please contact me at 612.252.9070 with any questions that may arise or if any additional information is requested. Thank you.

Sincerely,
LANDFORM*



Christine R. Moss, P.E.
/crm

COPY: Bruce Van Roekel, Wendy's International
Rick Janssen, Wendy's International

ENCL: Sign Variance Application, Application Fee, and Directional Signage
Specification.

**Landform Engineering Company doing business as Landform*

2003-04

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033
Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 1318 South Frontage Road

Legal Description of Property Involved: Lot 1, Block 1, Westview Commons Addition

Applicant:

Name Landform - Christine Moss
Address 510 First Avenue North Ste. Minneapolis, MN 55403 050
Phone (612) 252-9070
Fax (612) 252-9077

Official Use Only	
Date Rec'd	
File No.	<u># 2003-04</u>
Fee Paid	<u>\$ 75.00</u>
Rec'd by	<u>JH</u>
Ordinance #	
Section	

Owner (If different from Applicant):

Name Wandy's International - Bruce VanRoekel
Address 12980 Foster Suite 210 Overland Park, MO 66213
Phone (913) 905-3740

Request: _____
Rezoned: _____
Comp Plan Amend: _____
Site Plan: _____
Variance: \$ 75.00

Special Use: _____
Subdivision: _____
Vacation: _____
Other: _____
TOTAL: \$ 75.00

Description of Request (include site plan, survey, and/or plat if applicable):

Signage Variance to allow directional signage for an entrance sign, exit sign, and pick-up window (drive-thru) sign, greater than the allowable 2 square feet per the ordinance.

Christine R. Moss 1-3-3
Signature of Applicant Date

Signature of Owner Date

TECHNICAL SPECIFICATIONS

Directional Signs

DESCRIPTION:

An illuminated double face sign to direct auto traffic.

SIZE:

2' high x 2'-2" wide.

FACES:

Flat face of 1/8" GE Lexan S100.

GRAPHICS:

White letters (Lacryl #403-W) on an illuminated Unique Red (Lacryl #437-R or equivalent) background with a black scroll. The entire sign is surrounded by a golden yellow (Lacryl 414-Y or equivalent) border. All graphics painted on second surface.

CABINET:

5" wide aluminum extrusion with aluminum retainers both with a painted #313 dark bronze finish.

ILLUMINATION/ELECTRICAL:

800mA high output cool white fluorescent lamp . Requires 1-15 amp circuit at 110v/60Hz. Total amperage-1.2 amps. *

POLE/POLE COVER:

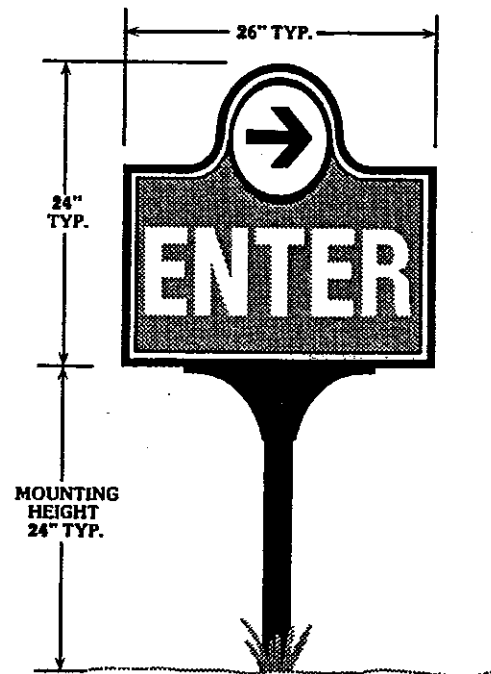
- POLE: 2 1/2" x 2 1/2" x 1/8" steel pipe 51" long. Painted with rust prohibitive primer.
- POLE COVER: Formed ABS plastic. Painted #313 dark bronze finish.

MOUNTING INSTRUCTIONS:

Pipe stub and weld plate provided. Weld match plate to top of pole. Direct burial installation. Mounting kit provided for pole cover assembly.

FOUNDATION REQUIREMENTS:

CONCRETE BASE: 12" x 12" x 36". (foundation specifications subject to local soil conditions and code requirements.)

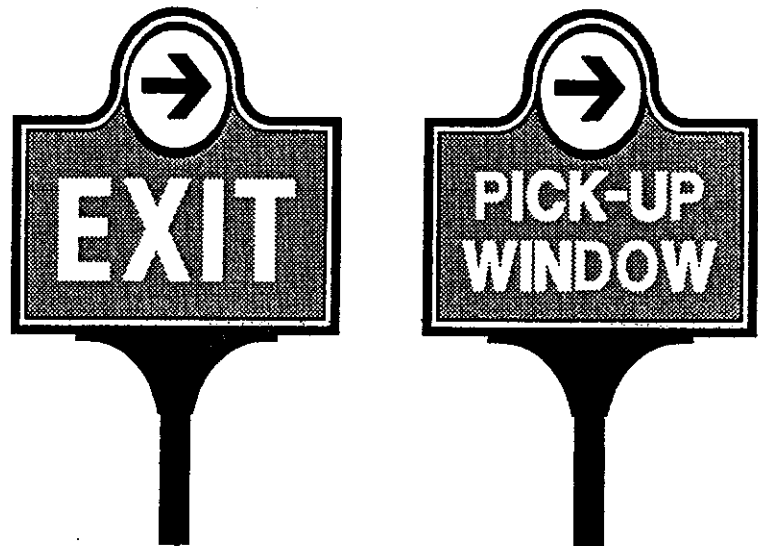


OPTIONS:

Enter

Exit

Pick Up Window



* Ballasts and wiring can be modified for local conditions. (i.e. 220v/50Hz)

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: February 3, 2003

Subject: Special Use Permit Renewal #2003-02 – Barton Sand and Gravel –
Soil Processing Permit – 2445 County Road 54

REQUEST

Barton Sand and Gravel request renewal of their existing soil processing permit at 2445 County Road 54. Barton is required to seek annual Special Use Permit approval for its mining operations. Proposed hours of operation and intensity are unchanged. Conditions from previous Special Use Permits and 2000 Environmental Assessment Worksheet (EAW) have been incorporated. Staff has examined the site and has not received any complaints over the past year.

Approval of the Special Use Permit is recommended, subject to the attached conditions.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The use conforms to the 2020 Comprehensive Plan. The subject property is classified R - Rural. The site is not planned for sewer service in the 2020 Comprehensive Plan.

Zoning Classification

The subject property is primarily zoned A - Agriculture. The northwest corner of the site is within the FW – Floodway Zoning District. Sand extraction is a designated special use in both districts. Health, safety, and general welfare concerns shall be examined in determining the appropriateness of the use. Reasonable conditions can be added to the special use permit to ensure compatibility with surrounding land uses, and address project concerns.

Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Vermillion Slough	FW – Floodway	Floodway
East	Mining (Ravenna Twp)		
South	Co Rd 54 – Mining	A – Agriculture	R – Rural
West	Vacant	A – Agriculture	R – Rural

History

Original Permit The City issued an initial special use permit to Davies Excavating in early 1984 with several conditions attached. In 1988 the soil processing permit for the operation was transferred from Davies Excavating to Tiller Corporation. The City has renewed their special use every year since through 1999. The city required a new phasing and reclamation plan to be submitted in 2000 as well as an EAW.

2000 EAW In 2000, City staff worked with the applicant to clarify the boundaries, operations, and conditions of their soil processing permit. The City also required the applicant to go through a discretionary environmental assessment worksheet (EAW). The purpose of the EAW was to determine any potential environmental impacts of the mining operation to address as part of the special use permitting process. Many environmental impacts were identified as part of the EAW and conditions were added to the approval to address these impacts.

SPECIAL USE PERMIT REVIEW

Existing Operation

Mining and soil processing has occurred on site since 1984. The current permit allows them to operate from 7:00 am to 5:00 pm, Monday through Saturday. However, their normal operating hours are Monday through Friday. Normal truck routes moving to and from the operation are County State Aid 54 or County Road 91 to Trunk Highway 316. Please see attached "2002 Soil Processing Permit" for more information.

Access

Site access is unchanged. Two accesses are provided from County Road 54. The applicant shall be prohibited from routing truck traffic along West 10th Street between Trunk Highway 61 and 55 for hauling purposes. All accesses must be gated or chained to prohibit unauthorized access to the site.

Critical Areas\Shoreland Areas

The entire site is located in the Rural Open Space district of the Minnesota River Critical Area Corridor. There are many natural features on the property. The property includes

flood plains, shore lands, wetlands and is in the MNRRA Critical Area. Land within 300ft of the Vermillion River is also located in the City's Shore land area. The Vermillion River is defined as a transitional river. The following conditions shall be added to the permit in accordance with state critical area requirements and the City's Shore land Ordinance:

1. The earthen berms shall be immediately seeded with a native grass mixture after they are constructed.
2. The site above the water table shall also be planted with native vegetation at the end of mining activities on the site.
3. Native trees shall be planted in the shore land impact zone that has been affected by historic farming practices (pre-mining) as part of the reclamation of this site.
4. The mining operation shall stay at least 75 ft away from the ordinary high water (OHWL) of the Vermillion River.

Wetland Delineation

Svoboda Ecological Resources has conducted a wetland delineation of the site. The report identifies one wetland complex along the northern boundary of the parcel, adjacent to the Vermillion River. Operations must not encroach into identified wetland areas. A copy of the delineation map is attached.

Planning Commission Action

The Planning Commission recommended unanimously at their January 13th meeting the renewal of the Special Use Permit.

RECOMMENDED ACTION

A motion to recommend approval of the soil processing permit to December 31, 2003, subject to the following conditions:

Tiller Corporation Company is permitted to operate a soil processing operation including the following activities that have been previously permitted:

1. Processing of rock, aggregates and recycled materials, including crushing, washing and stock piling.

Tiller Corporation is permitted to operate on the land described by exhibit A and exhibit B.

The conditions stipulated during the issuance of the 1987 special use permit are still in effect, including:

1. The site is to be restored, upon completion of the mining operation, pursuant to the plans provided to the City and dated August 23, 2000.
2. The earthen berms shall be immediately seeded with a native grass mixture after they are constructed. This native grass mixture shall be approved by the DNR.
3. The remainder of the site above the water table shall also be planted with native vegetation at the end of mining activities on the site. This native grass mixture shall be approved by the DNR.
4. The applicant shall plant native trees in the shore land impact zone that has been affected by historic farming practices (pre-mining) as part of the reclamation of this site.
5. The applicant shall retain and protect all the existing trees in the wetland and shore land impact zone.
6. The applicant shall not encroach upon any identified wetlands as identified on the "Wetland Classification Identification and Delineation Report" conducted by Svoboda Ecological Resources dated 9/20/01. The wetlands shall be marked with stakes in the field, prior to excavation near those areas. The stakes in the field shall be reviewed annually for visibility after excavation occurs in these areas.
7. The applicant shall stay at least 75 ft back landward from the ordinary high water level of the Vermillion River (Shore land Impact zone). The shore land impact zone shall be marked with stakes in the field, as identified on the 8/23/00 site plan, prior to excavation near those areas. The stakes in the field shall be reviewed annually for visibility after excavation occurs in these areas.
8. Any abandoned on-site wells shall be abandoned according to Dakota County Ordinance No. 114.
9. Salvage and waste materials located near the abandoned farm house in phase 1 shall be removed before mining can occur in this area.
10. Tiller Corporation shall notify the City Planning Department if any excavation of previously undisturbed areas reveals the presence of historic artifacts.
11. Operating hours are not to be in excess of 7:00 am to 5:00 pm Monday through Saturday except holidays. In addition, Tiller Corporation shall refrain from at all times using CSAH 54 and HWY 91 for hauling purposes between the hours of 5:00 pm and 7:00 am. In cases of emergency, Tiller Corporation may operate during hours other than those noted upon approval by the City Administrator or the Public Works Director. This special use permit can be revoked if the applicant is discovered working beyond these hours and does not have authorization to do so.
12. Tiller Corporation Company shall refrain from using West 10th Street between Trunk Highway 61 and Trunk Highway 55 for hauling purposes.
13. All accesses to this property shall be gated or chained to prevent unauthorized access to the site. Dakota County shall approve any new accesses.

14. Tiller Corporation shall continue in full force and affect an irrevocable bond or other form of security acceptable to the City in the amount of \$75,000.00 for the estimated cost of restoring the site covered by the soil pursuant to City Code.
15. Tiller Corporation shall provide to the City a Liability insurance policy or certificate of insurance from an insurance company authorized to write casualty insurance in the State of Minnesota as will protect the applicant, its agents and the city from claims for bodily injury, death or property damage which may arise from operations under the soil processing permit. The amounts of the insurance shall not be less than that which is required by the City Code.
16. Vegetative Cover as required by the City of Hastings Storm Water Management Ordinance, shall be restored on the steeply sloped portions of the site, identified on the mining plans. Appropriate erosion control measures as determined by the Public Works Director shall be undertaken to ensure establishment of vegetative cover on steeply sloped portions of the site where mining is complete according to the approved plan.
17. Reclamation of each mining phase shall begin as part of the condition of moving on to the next mining phase.
18. The applicant shall operate the facility with due regards to the rights of the easement holders on the property. Mining operations shall not conflict with pipelines and power lines as established within easements on the property.
19. As applicable, the applicant shall be responsible for obtaining any water appropriations or dewatering permits required from the State DNR.
20. The applicant shall follow the State's DNR well dispute resolution system set up to handle well interference problems. The applicant shall correct interference with existing wells by modification of pumping operations, replacing wells, or lowering impacted wells.
21. The City of Hastings shall be informed of the results of the most recent inspection of the mining operation by the Mine Safety and Health Association.
22. The applicant shall notify well owners within a one mile radius of the gravel pit the following item:
 1. Contact name, address and phone number.
The mining operation and plan shall be in compliance with the City's Floodplain Ordinance.

ATTACHMENTS

- Location Map
- Site Plan
- Soil Processing Permit 2002 Renewal (Applicant Narrative)
- Wetland Delineation Map
- Application

flood plains, shore lands, wetlands and is in the MNRRA Critical Area. Land within 300ft of the Vermillion River is also located in the City's Shore land area. The Vermillion River is defined as a transitional river. The following conditions shall be added to the permit in accordance with state critical area requirements and the City's Shore land Ordinance:

1. The earthen berms shall be immediately seeded with a native grass mixture after they are constructed.
2. The site above the water table shall also be planted with native vegetation at the end of mining activities on the site.
3. Native trees shall be planted in the shore land impact zone that has been affected by historic farming practices (pre-mining) as part of the reclamation of this site.
4. The mining operation shall stay at least 75 ft away from the ordinary high water (OHWL) of the Vermillion River.

Wetland Delineation

Svoboda Ecological Resources has conducted a wetland delineation of the site. The report identifies one wetland complex along the northern boundary of the parcel, adjacent to the Vermillion River. Operations must not encroach into identified wetland areas. A copy of the delineation map is attached.

Planning Commission Action

The Planning Commission recommended unanimously at their January 13th meeting the renewal of the Special Use Permit.

RECOMMENDED ACTION

A motion to recommend approval of the resolution renewing the soil processing permit to December 31, 2003, subject to the following conditions:

Tiller Corporation Company is permitted to operate a soil processing operation including the following activities that have been previously permitted:

1. Processing of rock, aggregates and recycled materials, including crushing, washing and stock piling.

Tiller Corporation is permitted to operate on the land described by exhibit A and exhibit B.

The conditions stipulated during the issuance of the 1987 special use permit are still in effect, including:

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A SPECIAL USE PERMIT TO ALLOW BARTON SAND AND GRAVEL
COMPANY TO CONDUCT SOIL PROCESSING AT 2445 COUNTY ROAD 54,
HASTINGS, MN**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, the Hastings City Council has initiated consideration of a Special Use Permit to conduct soil processing for Barton Sand and Gravel Company on property legally described on Exhibit A

WHEREAS, on January 13, 2003, a Public Hearing on this proposed special use permit was held before the Planning Commission of the City of Hastings, which hearing was proceeded by published notice as required by state law, city charter and city ordinance; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That a special use permit to conduct soil processing is hereby approved, subject to the following conditions:

1. The site is to be restored, upon completion of the mining operation, pursuant to the plans provided to the City and dated August 23, 2000.
2. The earthen berms shall be immediately seeded with a native grass mixture after they are constructed. This native grass mixture shall be approved by the DNR.
3. The remainder of the site above the water table shall also be planted with native vegetation at the end of mining activities on the site. This native grass mixture shall be approved by the DNR.
4. The applicant shall plant native trees in the shore land impact zone that has been affected by historic farming practices (pre-mining) as part of the reclamation of this site.
5. The applicant shall retain and protect all the existing trees in the wetland and shore land impact zone.
6. The applicant shall not encroach upon any identified wetlands as identified on the

"Wetland Classification Identification and Delineation Report" conducted by Svoboda Ecological Resources dated 9/20/01. The wetlands shall be marked with stakes in the field, prior to excavation near those areas. The stakes in the field shall be reviewed annually for visibility after excavation occurs in these areas.

7. The applicant shall stay at least 75 ft back landward from the ordinary high water level of the Vermillion River (Shore land Impact zone). The shore land impact zone shall be marked with stakes in the field, as identified on the 8/23/00 site plan, prior to excavation near those areas. The stakes in the field shall be reviewed annually for visibility after excavation occurs in these areas.
8. Any abandoned on-site wells shall be abandoned according to Dakota County Ordinance No. 114.
9. Salvage and waste materials located near the abandoned farm house in phase 1 shall be removed before mining can occur in this area.
10. Tiller Corporation shall notify the City Planning Department if any excavation of previously undisturbed areas reveals the presence of historic artifacts.
11. Operating hours are not to be in excess of 7:00 am to 5:00 pm Monday through Saturday except holidays. In addition, Tiller Corporation shall refrain from at all times using CSAH 54 and HWY 91 for hauling purposes between the hours of 5:00 pm and 7:00 am. In cases of emergency, Tiller Corporation may operate during hours other than those noted upon approval by the City Administrator or the Public Works Director. This special use permit can be revoked if the applicant is discovered working beyond these hours and does not have authorization to do so.
12. Tiller Corporation Company shall refrain from using West 10th Street between Trunk Highway 61 and Trunk Highway 55 for hauling purposes.
13. All accesses to this property shall be gated or chained to prevent unauthorized access to the site. Dakota County shall approve any new accesses.
14. Tiller Corporation shall continue in full force and effect an irrevocable bond or other form of security acceptable to the City in the amount of \$75,000.00 for the estimated cost of restoring the site covered by the soil pursuant to City Code.
15. Tiller Corporation shall provide to the City a Liability insurance policy or certificate of insurance from an insurance company authorized to write casualty insurance in the State of Minnesota as will protect the applicant, its agents and the city from claims for bodily injury, death or property damage which may arise from operations under the soil processing permit. The amounts of the insurance shall not be less than that which is required by the City Code.

16. Vegetative Cover as required by the City of Hastings Storm Water Management Ordinance shall be restored on the steeply sloped portions of the site, identified on the mining plans. Appropriate erosion control measures as determined by the Public Works Director shall be undertaken to ensure establishment of vegetative cover on steeply sloped portions of the site where mining is complete according to the approved plan.
17. Reclamation of each mining phase shall begin as part of the condition of moving on to the next mining phase.
18. The applicant shall operate the facility with due regards to the rights of the easement holders on the property. Mining operations shall not conflict with pipelines and power lines as established within easements on the property.
19. As applicable, the applicant shall be responsible for obtaining any water appropriations or dewatering permits required from the State DNR.
20. The applicant shall follow the State's DNR well dispute resolution system set up to handle well interference problems. The applicant shall correct interference with existing wells by modification of pumping operations, replacing wells, or lowering impacted wells.
21. The City of Hastings shall be informed of the results of the most recent inspection of the mining operation by the Mine Safety and Health Association.
22. The applicant shall notify well owners within a one mile radius of the gravel pit the following item: Contact name, address and phone number.
23. The mining operation and plan shall be in compliance with the City's Floodplain Ordinance.
24. The permit shall be valid until December 31st, 2003.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

This instrument drafted by:
City of Hastings
101 4th St. East
Hastings, MN 55033

#2003-02

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033
Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 2445 County Road 54, Hastings, MN

Legal Description of Property Involved: See Exhibit A

Applicant:
Name Barton Sand & Gravel Co., division of Tiller Corporation
Address 7200 Hemlock Lane, PO Box 1480 Maple Grove, MN 55311-6480
Phone (763)425-4191
FAX (763)425-7153

Official Use Only	
Date Rec'd	
File No.	<u>#2003-02</u>
Fee Paid	<u>\$200.00</u>
Rec'd by	<u>JH</u>
Ordinance #	
Section	

Owner (If different from Applicant):
Name C & D Enterprises
Address Hastings, MN
Phone (651)436-7234

Request:	_____	Special Use:	<u>\$200.00</u>
Rezone:	_____	Subdivision:	_____
Comp Plan Amend:	_____	Vacation:	_____
Site Plan:	_____	Other:	_____
Variance:	_____	TOTAL:	_____

Description of Request (include site plan, survey, and/or plat if applicable):
Renewal of Soil Processing Permit.

Michael Caron 12/23/02
Signature of Applicant Date
Michael Caron
Donald K Davis 12-23-02
Signature of Owner Date

ATTACHMENT 1

LEGAL DESCRIPTION

Hastings

All of Government Lot Ten (10) and All that part of Lot Nine (9) lying South of the Vermillion Slough and River in Section Twenty Six (26); all that part of the Northwest quarter of the Northeast quarter (NW ¼ of NE ¼) lying North of the Hastings and Ravenna Road (so called) of Section Thirty-Five (35), all in Township One Hundred Fifteen (115), Range Seventeen (17), excepting and reserving from the above lands any part thereof heretofore deeded for railway purposes, all according to the Government Survey thereof. Also excepting from the above described land that part of the NW ¼ of the NE ¼ of Section 35, Township 115, Range 17, lying Northerly of County Road Number 54 and southeasterly, southwesterly and northwesterly of the following described line: Commencing at the Northwest corner of said NW ¼ of NE ¼; thence South 0° 01'23" East (assumed bearing) along the West line of said NW ¼ of NE ¼ for a distance of 700 feet to the North line of County Highway Number 54; thence South 79° 10' 30" East along said North line for a distance of 67.19 feet to the point of beginning; thence North 0° 01'23" West for a distance of 132.56 feet; thence South 79°13'30" East for a distance of 740.22 feet; thence South 14° 03' West for a distance of 131.05 feet to the said North line of Highway Number 54 and there terminating.

And

All of Government Lot Eleven (11), Section Twenty-Six (26), Township One Hundred Fifteen (115), Range Seventeen (17).

And

That part of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼) of Section Thirty-Five (35), Township One Hundred Fifteen North (115N), Range Seventeen West (17W) lying North of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way (now known as the Sioux Line Railroad)

And

All that part of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼) of Section 35, Township 115, Range 17, lying North of the centerline of County State Aid Highway No. 54 and lying South of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way.

All of which property is subject to:

1. A pipeline easement to Standard oil Company, an Indiana Corporation, recorded in Book 54 of Miscellaneous Records, Page 264.
2. Northern States Power Company electrical transmission easement, recorded in Book 78 of Miscellaneous Records, Page 192.

Subject to any and all other easements of record.

Soil Processing Permit 2003 Renewal

The following information is submitted in connection with an application for the renewal of our Soil Processing Permit dated June 1988, amended in September 2000, and renewed each year since 1988 to operate a sand and gravel mine in the City of Hastings. The Applicant and Operator, Barton Sand & Gravel Co., is a division of Tiller Corporation. The property is owned by C & D Enterprises, a general partnership owned by Donald (Butch) Davies and Donald Cysiewski.

Location

The site is located in part in the City of Hastings and in part in Ravenna Township. The site is north of Ravenna Trail (CSAH 54) near the intersection with County Road 91. The legal description is attached hereto as Exhibit A.

Regulatory Update

The City of Hastings permit, as amended, requires that wetlands be delineated. The delineation and staking of the wetlands was completed in September 2001. A copy of the Wetland Classification, Identification and Delineation Report was supplied to the City in February 2002. The wetland boundary was located using GPS and has been added to the topographic map.

The Dakota County permit, also amended in 2000, requires sampling and testing of water contained in the pond created by mining. This pond is contiguous between Ravenna Township and the City of Hastings. The purpose of the testing is to assure the absence of petroleum products in the water. The test results for 2002 are attached.

Operating Hours

The current Permit allows operations from 7:00 AM to 5:00 PM Monday through Saturday except holidays. However, situations arise such as public emergencies or accelerated work schedules, which may require an extension of our normal operating hours. There were no requests to extend the normal operating hours during 2002.

Traffic Patterns

Traffic patterns to and from the site primarily involve Ravenna Trail (CSAH 54) and County Highway 91. Traffic moves east and west on Ravenna Trail or north and south on County Road 91. In addition to Ravenna Trail, traffic also uses U.S. Highway 61 for north and south travel through Hastings.

Traffic Control Program

The safety with which traffic moves to and from our site and its impact on the health, safety and welfare of the people of the community is a major consideration to us. Safe trucking operations are dependent on the policies and procedures followed, including the condition of the equipment and the attitudes and driving practices of the individual drivers. Our goal is safe and courteous trucking activities to and from our site to

minimize impact on the people around us. We have employed a traffic control program in the interest of safe trucking operations which includes the following:

1. Access to the site is limited to the two entrances that presently exist.
2. Stop signs are maintained at both exits from the site.
3. Signs have been placed by the scale to encourage safe and courteous driving practices in accordance with all traffic rules and regulations.
4. We follow-up directly with drivers or customers who are not driving safely.

Estimated Volume

The amount of material produced is dependent on market conditions and demand. We estimate production in 2003 will be approximately 200,000 tons.

Reclamation

The approved Mining and Reclamation Plan is attached hereto as Exhibit B. Mining will continue on the north side of Phase 1. Slopes, as depicted on the Mining and Reclamation Plan, will be established as materials are removed. Once mining has been completed along the north face of Phase 1, final grading will take place and vegetation will be established in this area.

Security

Site access is restricted to authorized persons. Each site entrance has a gate that is locked during non-operating hours. There is also a series of natural barriers, fences and earthen berms that limit access. Trespassing or infringement by unauthorized persons has not historically been a problem at this site.



Pace Analytical Services, Inc.
1700 Elm Street, Suite 200
Minneapolis, MN 55414
Phone: 612.607.1700
Fax: 612.607.6444
www.pacelabs.com

November 5, 2002

Mr. Mike Caron
Barton Sand and Gravel
PO Box 1480
Maple Grove, MN 55311-6480

RE: Pace Project No. 0210-055
Client Project ID: Barton Sand and Gravel – Hastings Pit 737

Dear Mr. Caron:

Enclosed are the analytical results for sample(s) received by the laboratory on October 15, 2002. Results for the TPH as GRO and DRO were ND for the water sample. Results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report.

If you have any questions concerning this report please free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "David Anderson".

David J. Anderson
Project Manager
(612) 607-6377

State of Minnesota Laboratory 027-053-137

Enclosure

DJA/cts

Lab Project Number: 1063930
Client Project ID: Barton S&G/Hastings 737

Lab Sample No: 103940433 Project Sample Number: 1063930-001 Date Collected: 10/14/02 09:30
Client Sample ID: OPEN-PIT Matrix: Water Date Received: 10/14/02 13:30

Parameters	Results	Units	Report Limit	Analyzed	By	CAS No.	Qual	RegLmt
------------	---------	-------	--------------	----------	----	---------	------	--------

GC Semivolatiles

WI DRO in water	Prep/Method: EPA 3510 / TPH DRO Wisconsin							
Diesel Range Organics	ND	mg/l	0.10	10/23/02 15:29	JMZ			
Date Extracted	10/16/02			10/16/02				

GC Volatiles

WI GRO and PVOC	Method: TPH GRO/PVOC WI							
Gasoline Range Organics	ND	ug/l	100	10/23/02 08:54	JPH1			
a,a,a-Trifluorotoluene (S)	95	%		10/23/02 08:54	JPH1 98-08-8			

REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,
without the written consent of Pace Analytical Services, Inc.

PARAMETER FOOTNOTES

ND Not detected at or above adjusted reporting limit
NC Not Calculable
J Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit
MDL Adjusted Method Detection Limit
(S) Surrogate

REPORT OF LABORATORY ANALYSIS

This report shall not be reproduced, except in full,
without the written consent of Pace Analytical Services, Inc.

Client: Barton Sand + Gravel Project No.: 0210-055

Project Description: Hastings Pit 737

pH Meter

Date	Meter #	Tech	Buffer Used	Comments
<u>10-14-02</u>	<u>YSI #1</u>	<u>DJA</u>	<u>4=4.07=7.0 10=10.0</u>	
			4= 7= 10=	
			4= 7= 10=	
			4= 7= 10=	
			4= 7= 10=	

Specific Conductance Meter

Date	Meter #	Tech	Standard Used	Comments
<u>10-14-02</u>	<u>YSI #1</u>	<u>DJA</u>	<u>500= 1000= 1000</u>	
			500= 1000=	
			500= 1000=	
			500= 1000=	
			500= 1000=	

Dissolved Oxygen Meter

Date	Meter #	Tech	Temp	DO Reading	Comments

645257

Required Client Information: **Section A**

Required Client Information: **Section B**

To Be Completed by Pace Analytical and Client **Section C**

Company: **Barton Sand + Gravel**
 Address: **c/o PACE MN FIELD**
 Phone: _____ Fax: _____

Report To: **David Anderson**
 Copy To: _____
 Invoice To: **Carrie Sawyer**
 P.O.: _____
 Project Name: **Hastings Pit 737**
 Project Number: _____

Client Information (Check quote/contract):
 Requested Due Date: _____ TAT: **14 day**
 * Turn around times less than 14 days subject to laboratory and contractual obligations and may result in a Rush Turnaround Surcharge.
 Turn Around Time (TAT) in calendar days.

Quote Reference: _____
 Project Manager: **DA1**
 Project #: **1063930**
 Profile #: **11566 (line 1) PASE-MNFL**
 Requested Analysis: _____

Section D Required Client Information:

SAMPLE ID
 One character per box.
 (A-Z, 0-9 / -)
 Sample IDs MUST BE UNIQUE

Valid Matrix Codes

MATRIX	CODE
WATER	WT
SOIL	SL
OIL	OL
WIPE	WP
AIR	AR
TISSUE	TS
OTHER	OT

DATE COLLECTED mm / dd / yy	TIME COLLECTED hh:mm a/p	# Containers	Preservatives							Other
			Unpreserved	H ₂ SO ₄	HNO ₃	HCl	NaOH	Na ₂ S ₂ O ₃	Methanol	

TPH 45 GPO
DRD
 Remarks / Lab ID

ITEM #	SAMPLE ID	MATRIX CODE	DATE COLLECTED	TIME COLLECTED	# Containers	Unpreserved	H ₂ SO ₄	HNO ₃	HCl	NaOH	Na ₂ S ₂ O ₃	Methanol	Other	Remarks / Lab ID
1	open pit		10-14	0930	5				4					103940433
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														

SHIPMENT METHOD	AIRBILL NO.	SHIPPING DATE	NO. OF COOLERS	ITEM NUMBER	RELINQUISHED BY / AFFILIATION	DATE	TIME	ACCEPTED BY / AFFILIATION	DATE	TIME
				1	David Anderson, Pace	10-14	0935	[Signature]	10-14-02	1330

SAMPLE CONDITION

Temp in °C: **4**

Received on Ice: Y N

Sealed Cooler: Y N

Samples Intact: Y N

SAMPLE NOTES

Additional Comments:

SAMPLER NAME AND SIGNATURE

PRINT Name of SAMPLER: **David Anderson**

SIGNATURE of SAMPLER: **[Signature]**

DATE Signed: (MM / DD / YY) **10-14-02**

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: February 3, 2003

Subject: Special Use Permit Renewal #2003-03 – Commercial Asphalt – Hot Mix Asphalt Plant – 2445 County Road 54

REQUEST

Commercial Asphalt seeks renewal of a special use permit for the operation of a temporary asphalt plant. The applicant is required to reapply each year for their special use permit. There are no changes requested for their approved conditions of operating. The asphalt plant is operated as part of the Barton Sand and Gravel pit located along east 10th Street (CSAH 54) at Glendale Road.

The City approved the original special use permit on June 19, 1989, subject to several conditions. The current application is similar to applications made in the past that have all been approved with similar conditions. The plant has operated since May 1990.

Approval of the Special Use Permit is recommended, subject to the attached conditions.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The use conforms to the 2020 Comprehensive Plan. The subject property is classified R - Rural. The site is not planned for sewer service in the 2020 Comprehensive Plan.

Zoning Classification

The subject property is primarily zoned A - Agriculture. The northwest corner of the site is within the FW – Floodway Zoning District. Temporary asphalt hot mix plants accessory to mineral extraction is a designated special use in both districts. Health, safety, and general welfare concerns shall be examined in determining the appropriateness of the use. Reasonable conditions can be added to the special use permit to ensure compatibility with surrounding land uses, and address project concerns.

Adjacent Zoning and Land Use

The following land uses about the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Vermillion Slough	FW – Floodway	Floodway
East	Mining (Ravenna Twp)		
South	Co Rd 54 – Mining	A – Agriculture	R – Rural
West	Vacant	A – Agriculture	R – Rural

SPECIAL USE PERMIT REVIEW

Performance Bond - City Code requires the submission of a performance bond by the applicant. Staff is again recommending a performance bond in the amount equal to \$25,000.

Operating Hours - The applicant indicates that the plants operating hours will generally be from 7:00 am to 5:00 pm. Last year the City allowed operating hours from 6:00 am to 5:00pm, however, no hauling before 7:00 am was allowed.

Vehicle Trips- The applicant indicates that the peak number of vehicle trips associated with the plant would be 21 per hour. Assuming two-way traffic, this would result in 42 trips on a peak hour basis.

Spill containment system - Previous conditions by the city require a spill containment system. The applicant has provided a spill containment system.

Flood Plain - The site of the asphalt plant is located near a flood hazard area. The applicant has indicated that the plant is at an elevation of 694.2 that is above the 100 Year Flood Boundary.

Screening - The site plan seems to illustrate that the plant will be screened in part by a stockpile of material. The City should require this type of situation to make the plant as unobtrusive as possible. It is strongly encouraged that the stockpile is wrapped around the front of the asphalt plant site as much as possible.

Planning Commission Recommendation

At their January 13th meeting, the Planning Commission unanimously recommended the renewal of the Special use permit for the hot mix asphalt plant.

RECOMMENDED ACTION

Approval of the resolution renewing the hot mix asphalt plant Special Use Permit is recommended, subject to the following conditions:

1. Expiration of the permit shall be December 31, 2003.
2. All PCA requirements shall be met and all permits received before the operation of the plant.
3. The site must be watered as necessary to control dust.
4. Before commencing operation of the plant, the applicant shall provide the city with the necessary insurance certificates and a performance bond for \$25,000.
5. The site of the temporary asphalt plant shall be at an elevation of not less than 694 feet. This requirement includes that the bottom of the spill basin shall also be at an elevation of not less than 694 feet.
6. The aggregate stockpile shall be maintained as shown on the site plan for screening purposes. Also, it is strongly encouraged that the stockpile be wrapped around the front of the site as much as possible to provide effective screening.
7. That all requirements of the city code concerning temporary asphalt plants be attached as conditions for permit approval and be adhered to by the applicant.
8. The applicant shall file with the local fire authority a material safety data sheet for a flammable combustible liquid storage permit.
9. That conditions for approval be strictly enforced.
10. Hours of operation shall be from 6:00 am to 5:00 pm, however no hauling may begin before 7:00 am.

ATTACHMENTS

- Location Map
- Special Use Permit 2003 Renewal (Applicant Narrative)
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS APPROVING
A SPECIAL USE PERMIT TO ALLOW COMMERCIAL ASPHALT COMPANY TO
OPERATE A TEMPORARY HOT MIX PLANT AT 2445 COUNTY ROAD 54,
HASTINGS, MN**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, the Hastings City Council has initiated consideration of a Special Use Permit to operate a temporary hot mix asphalt plant for Commercial Asphalt Company on property legally described on Exhibit A

WHEREAS, on January 13, 2003, a Public Hearing on this proposed special use permit was held before the Planning Commission of the City of Hastings, which hearing was proceeded by published notice as required by state law, city charter and city ordinance; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That a special use permit to conduct operate a temporary hot mix asphalt plant is hereby granted, subject to the following conditions:

1. Expiration of the permit shall be December 31, 2003.
2. All PCA requirements shall be met and all permits received before the operation of the plant.
3. The site must be watered as necessary to control dust.
4. Before commencing operation of the plant, the applicant shall provide the city with the necessary insurance certificates and a performance bond for \$25,000.
5. The site of the temporary asphalt plant shall be at an elevation of not less than 694 feet. This requirement includes that the bottom of the spill basin shall also be at an elevation of not less than 694 feet.
6. The aggregate stockpile shall be maintained as shown on the site plan for screening purposes. Also, it is strongly encouraged that the stockpile be wrapped around the front of the site as much as possible to provide effective screening.

7. That all requirements of the city code concerning temporary asphalt plants be attached as conditions for permit approval and be adhered to by the applicant.
8. The applicant shall file with the local fire authority a material safety data sheet for a flammable combustible liquid storage permit.
9. That conditions for approval be strictly enforced.
10. Hours of operation shall be from 6:00 am to 5:00 pm, however no hauling may begin before 7:00 am.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

This instrument drafted by:
City of Hastings
101 4th St. East
Hastings, MN 55033

~~#2003-03~~
#2003-03

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033
Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 2445 County Road 54, Hastings, MN

Legal Description of Property Involved: See Exhibit A

Applicant: Commercial Asphalt Co., division
Name of Tiller Corporation
Address 7200 Hemlock Lane, PO Box 1480
Maple Grove, MN 55311-6480
Phone (763)424-5400
(763)425-7153
FAX

Official Use Only	
Date Rec'd	
File No.	<u># 2003-03</u>
Fee Paid	<u>\$200.00</u>
Rec'd by	<u>JH</u>
Ordinance #	
Section	

Owner (If different from Applicant):
Name C & D Enterprises
Address Hastings, MN 55033
Phone (651)436-7234

Request:	_____	Special Use:	<u>\$200.00</u>
Rezoning:	_____	Subdivision:	_____
Comp Plan Amend:	_____	Vacation:	_____
Site Plan:	_____	Other:	_____
Variance:	_____	TOTAL:	_____

Description of Request (include site plan, survey, and/or plat if applicable):
Hot mix asphalt plant. See additional information attached hereto

Michael Caron 12/23/02
Signature of Applicant Date
Michael Caron

Donald H Davis 12-23-02
Signature of Owner Date

ATTACHMENT 1

LEGAL DESCRIPTION

Hastings

All of Government Lot Ten (10) and All that part of Lot Nine (9) lying South of the Vermillion Slough and River in Section Twenty Six (26); all that part of the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying North of the Hastings and Ravenna Road (so called) of Section Thirty-Five (35), all in Township One Hundred Fifteen (115), Range Seventeen (17), excepting and reserving from the above lands any part thereof heretofore deeded for railway purposes, all according to the Government Survey thereof. Also excepting from the above described land that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 115, Range 17, lying Northerly of County Road Number 54 and southeasterly, southwesterly and northwesterly of the following described line: Commencing at the Northwest corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence South $0^{\circ} 01'23''$ East (assumed bearing) along the West line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ for a distance of 700 feet to the North line of County Highway Number 54; thence South $79^{\circ} 10' 30''$ East along said North line for a distance of 67.19 feet to the point of beginning; thence North $0^{\circ} 01'23''$ West for a distance of 132.56 feet; thence South $79^{\circ}13'30''$ East for a distance of 740.22 feet; thence South $14^{\circ} 03'$ West for a distance of 131.05 feet to the said North line of Highway Number 54 and there terminating.

And

All of Government Lot Eleven (11), Section Twenty-Six (26), Township One Hundred Fifteen (115), Range Seventeen (17).

And

That part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Thirty-Five (35), Township One Hundred Fifteen North (115N), Range Seventeen West (17W) lying North of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way (now known as the Sioux Line Railroad)

And

All that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 35, Township 115, Range 17, lying North of the centerline of County State Aid Highway No. 54 and lying South of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way.

All of which property is subject to:

1. A pipeline easement to Standard oil Company, an Indiana Corporation, recorded in Book 54 of Miscellaneous Records, Page 264.
2. Northern States Power Company electrical transmission easement, recorded in Book 78 of Miscellaneous Records, Page 192.

Subject to any and all other easements of record.

Hot Mix Asphalt Plant Special Use Permit 2003 Renewal

The following information is hereby submitted in connection with an application for the renewal of our Special Use Permit dated June 19, 1989 and renewed each year thereafter to operate a hot mix asphalt plant in a sand and gravel mine in the City of Hastings. The Applicant and Operator, Commercial Asphalt Co. is a division of Tiller Corporation. The property is owned by C & D Enterprises, a general partnership owned by Donald (Butch) Davies and Donald Cysiewski.

Location

The plant site is in a sand and gravel mine located in part in the City of Hastings and in part in Ravenna Township. The site is north of Ravenna Trail (CSAH 54) near the intersection with County Road 91. The legal description is attached hereto as Exhibit A.

The mine is operated under a current Soil Processing Permit issued by the City of Hastings to Barton Sand & Gravel Co., also a division of Tiller Corporation and thereby related to Commercial Asphalt Co.

The plant site is in the City of Hastings, near the western entrance to the mine, and south of the Chicago, Milwaukee, St. Paul and Pacific Railroad tracks. A small part of the western portion of the property south of the railroad tracks is within the 100-Year Flood Boundary (flood plain) as set forth on the Flood Insurance Rate Map for the City of Hastings dated December 19, 1981. The plant is at an elevation of 694.2 feet, and therefore not in the flood plain.

Operating Hours

The current Permit allows operations from 6:00 AM to 5:00 PM, with no hauling before 7:00 AM. However, situations arise such as public emergencies or accelerated work schedules, which may require an extension of our normal operating hours.

During 2002 there were two requests for extended hours of operation for the asphalt plant. The first request was for a MnDOT project which involved a mill and overlay of US Highway 61 starting in Hastings and going south and east through Miesville. The MnDOT job specifications required plant operation and hauling outside of the hours identified in the Permit. This specification was necessary to minimize traffic delays during peak travel times. An extension for this specific project was authorized by the City. Commercial Asphalt Co. received one complaint relating to a specific truck using "jake brakes" during the project. All drivers were contacted and instructed to not use "jake brakes". Commercial Asphalt Co. did not receive any other comments or complaints during this project.

The second request was for a three hour extension for hauling and a two hour extension for plant operation. This request was made because the weather forecast was unfavorable and the additional hours would facilitate the completion of a street and parking lot project in Red Wing. The City approved the extension and Commercial Asphalt Co. did not receive any complaints during or immediately after this project.

Estimated Volume

The amount of hot mix asphalt produced is dependent on market conditions and demand. We estimate production in 2003 will be approximately 150,000 tons.

Traffic Patterns

Traffic patterns to and from the plant primarily involve the west entrance to the mine, Ravenna Trail (CSAH 54) and County Highway 91. Traffic moves east and west on Ravenna Trail or north and south on County Road 91. In addition to Ravenna Trail, traffic to and from an area west of the site also uses U.S. Highway 61 for north and south travel through Hastings.

Traffic Control Program

The safety with which traffic moves to and from our plant and its impact on the health, safety and welfare of the people of the community is a major consideration to us. Safe trucking operations are dependent on the policies and procedures followed, including the condition of the equipment and the attitudes and driving practices of the individual drivers. Our goal is safe and courteous trucking activities to and from our plant to minimize impact on the people around us. We have employed a traffic control program in the interest of safe trucking operations, which includes the following:

1. Access to the plant is limited to the entrance that presently exists.
2. A stop sign is maintained at the exit from the site.
3. Signs have been placed near the plant to encourage safe and courteous driving practices in accordance with all traffic rules and regulations.
4. We follow-up directly with drivers or customers who are not driving safely.

Traffic Volumes

The quantity of material a truck can haul is dependent on the legal load limit for each specific truck and the weight restrictions on the streets and roads of the intended travel routes. The estimated average load size for trucks hauling material from this plant is 19 tons.

Based on the production capacity of the plant, which is approximately 400 tons per hour, and the estimated average load size, the peak number of loads from the plant in any hour during the season will be 21.

Air Pollution Control Equipment

The plant is equipped with a fabric filter baghouse to control particulate matter emissions (dust). Plant operations require a permit from the Minnesota Pollution Control Agency (MPCA) which specifies performance testing to demonstrate compliance with established standards. This permit also addresses requirements regarding allowable fuels and the control of fugitive emissions (dust) through the application of water.

A substantial area of the plant site used by trucks entering and leaving was hard surfaced in May of 2002. This is another measure used to control fugitive emissions.

Petroleum Storage Facilities and Back-up Containment System

The operations of the plant require storage facilities on site for burner fuel, diesel fuel and asphalt cement. These facilities are registered with the MPCA. The tanks have a containment system that will contain the tank contents in case of a spill. The storage facilities and containment are above the 100-year flood elevation.

Security

Site access is restricted to authorized persons. The site entrance has a gate that is locked during non-operating hours. There is also a series of natural barriers, fences and earthen berms that limit access. Trespassing or infringement by unauthorized persons has not historically been a problem at this site.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: February 3, 2003

Subject: Mike Judge – Variance #2002-92 to vary from minimum side yard setback requirements to construct an addition to 115 Grove Street.

REQUEST

Mike Judge seeks approval of a variance to the minimum side yard setback requirement of 7 feet in order to construct an addition along the south side (side yard) of 115 Grove Street. The existing side yard setback of the home is 10 feet, with the proposed setback to be 5'

RECOMMENDATION

The Planning Commission unanimously recommended denial of the request at the November 12, 2002 meeting with limited discussion. No one from the public spoke for or against the request. The Commission cited compliance of the existing house, and lack of a hardship for creating a non-conforming setback as reasons for the denial.

HISTORY

The request was removed from the November 18, 2002 City Council Agenda at the request of the applicant in order to explore reconfigurations to avoid the variance. The applicant has not made contact with the City concerning the variance since November 18th. A letter was sent to the applicant on January 16, 2003 (attached) asking for direction on how to proceed.

ATTACHMENTS

- Resolution
- Site Plan
- Letter to Mike Judge ~ January 16, 2003
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The use conforms to the 2020 Comprehensive Plan. The property is designated U-I – Urban Residential.

Zoning Classification

The subject property is zoned R-2 – Medium Density Residential. Single family dwellings are a permitted use in the R-2 District.

Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Single Family Home	R-2 – Medium Res.	U-I – Urb Res.
East	Single Family Home	R-2 – Medium Res.	U-I – Urb Res.
South	Single Family Home	R-2 – Medium Res.	U-I – Urb Res.
West	Grove Street Single Family Home	R-2 – Medium Res.	U-I – Urb Res.

Existing Condition

The existing site is a single family home and garage. The lot directly to the south has a home built on the east end of the property; however, the lot is large enough to permit it to be split, thus creating a buildable lot. When Grove Street was reconstructed in 1996, utilities were stubbed to the land for that purpose.

VARIANCE REVIEW

Conforming Use

The existing house is termed a lawfully existing, conforming use. The house was constructed after enactment of the zoning ordinance.

Minimum Setback Requirements

Minimum setback requirements for the R-2 District are:

Area	Setback
Front	20'
Side	7'
Rear	20'

Review Criteria

The following criteria has been used as findings of fact in granting variances to zoning provisions:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. The literal interpretation of the City Code would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of Chapter 10.
- C. That the special conditions and circumstances do not result from actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 10 to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, or buildings in other districts shall be considered grounds for the issuance of a variance.

RECOMMENDED ACTION

Motion to recommend denial of the variance request to the minimum side yard setback of 115 Grove Street to the City Council, based on the following findings of fact:

- 1) The current home meets all setback requirements, and approval of the variance would convert the home to a non-conforming structure.
- 2) There is currently 3 feet between the existing structure and the setback line, allowing for some expansion of the structure.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
DENYING THE REQUEST OF MICHAEL JUDGE TO VARY FROM THE
REQUIREMENTS OF CHAPTER 10, SECTION 10.26 OF THE CITY CODE (SIDE
YARD SETBACK) AT 115 GROVE STREET, HASTINGS, MN**

Council member _____ introduced the following Resolution and
_____ moved its adoption:

WHEREAS, Michael Judge has petitioned for approval to vary two (2) feet from the seven (7) foot side yard setback requirement of the R-2, Medium Density Zoning District as stipulated in Chapter 10, Section 10.26 of the City Code on property located at 115 Grove, legally described as follows:

The South Half of Lot 13, and all of Lot 14, Block 2, ADDITION NO 13, Dakota County, Minnesota.

WHEREAS, on November 12, 2002, the petition was considered by the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS, on November 18, 2002, the petition was removed from the City Council agenda by the applicant; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF HASTINGS AS FOLLOWS:**

That the City Council hereby denies the petition to vary from Section 10.26 (side yard setback), citing the following findings of fact:

- 1) Failure to provide evidence of a special conditions and circumstances peculiar to the land, involved that is not applicable to other lands, structures, or buildings in the same district.
- 2) The existing home conforms to all setbacks, the proposed addition would bring the home into non-conformance.
- 3) Reasonable use of the property exists. The existing single family home is a conforming use, and there is room to construct a partial addition without the need for a variance.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

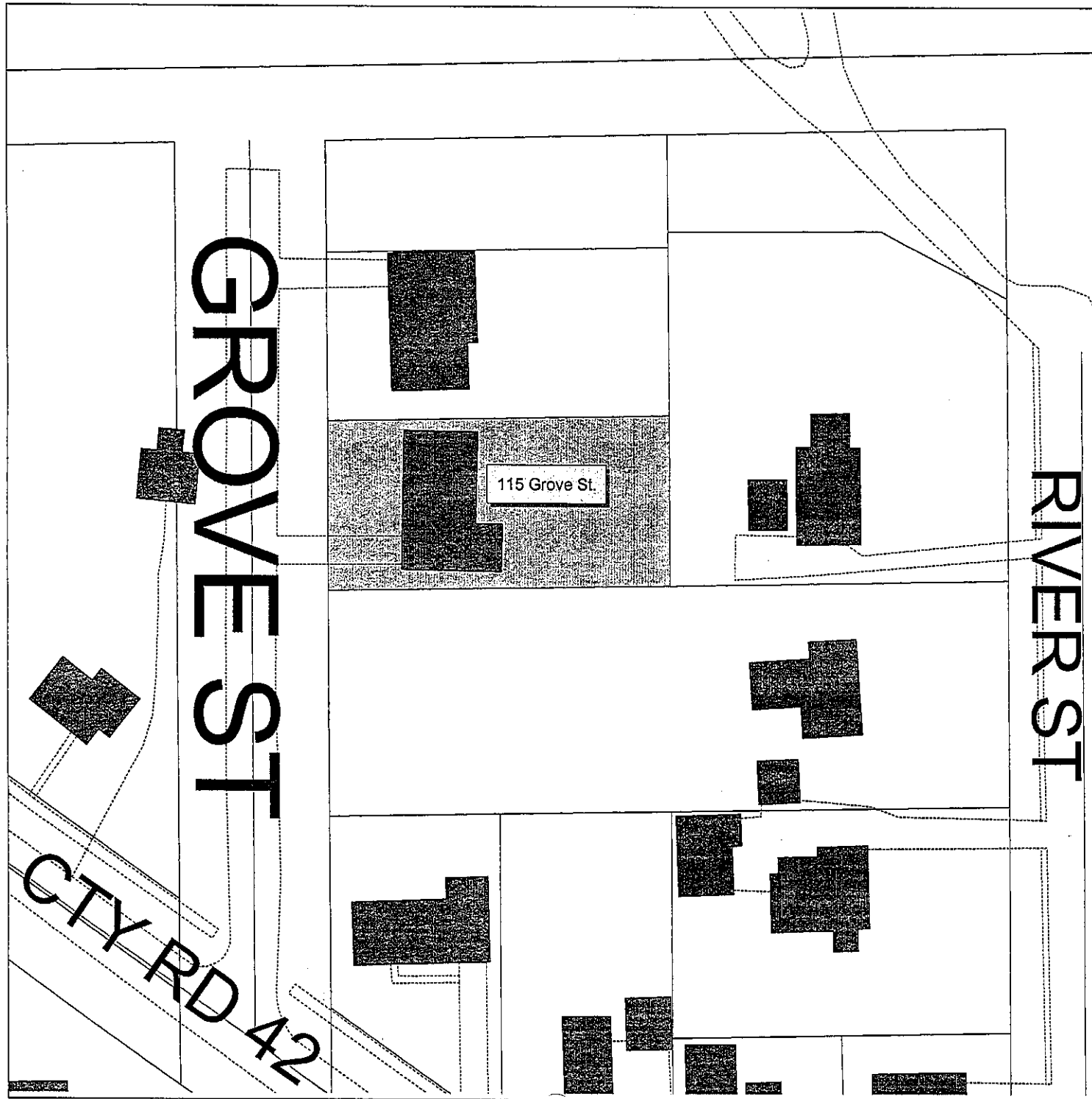
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk




(SEAL)

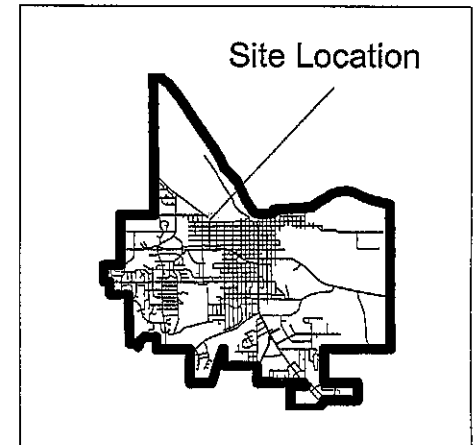
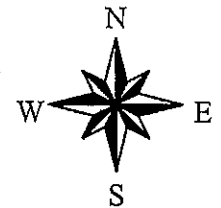
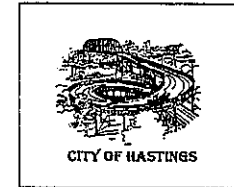
This instrument drafted by:
City of Hastings (JWH)
101 4th St. East
Hastings, MN 55033

115 Grove St 2' Setback Variance



Legend

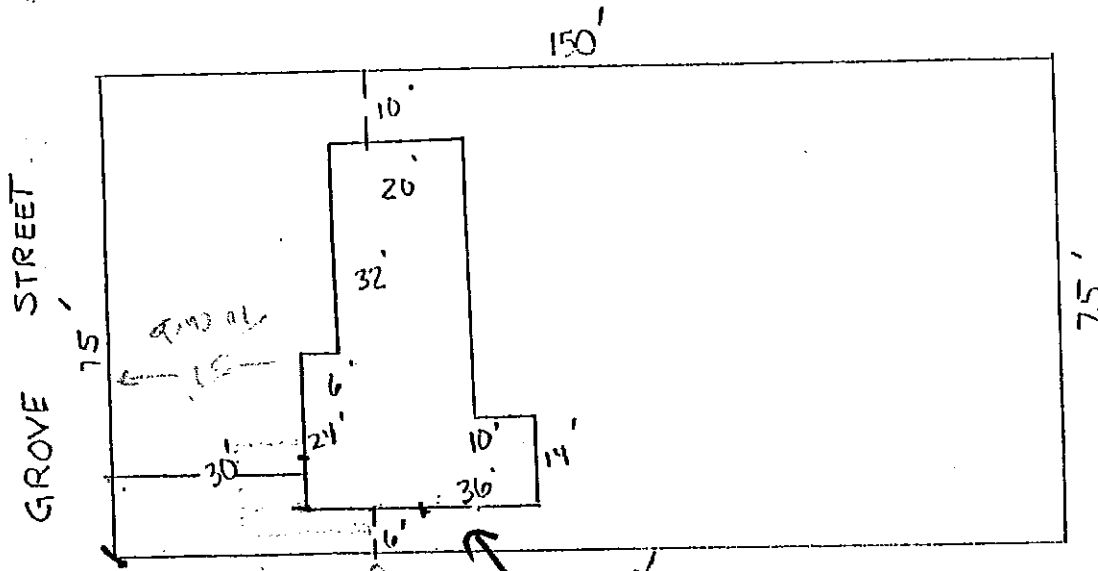
-  Buildings
-  Roads
-  Parcels



PLAT DRAWING
(This Is Not a Survey)

The South 1/2 of Lot 13, and all of Lot 14, Block 2, Addition No. Thirteen to the City of Hastings

- 20' back Front



scale 1"=30'

100' Empty Lot

10' to line

Property Address: 115 Grove Street Hastings, Minnesota

"The location of the improvements shown on this drawing are approximate and are based on a visual inspection of the premises. The lot dimensions are taken from the recorded plat or county records. This drawing is for informational purposes and should not be used as a survey. It does not constitute a liability of the company and is intended for mortgage purposes only."

CITY OF HASTINGS

101 4th Street East • Hastings, MN 55033-1955
651-437-4127 • Fax: 651-437-7082
www.ci.hastings.mn.us

January 16, 2003

Mike Judge
115 Grove Street
Hastings, Minnesota 55033

RE: Variance Request – Sideyard Setback

Dear Mike:

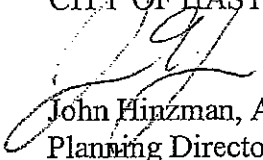
At your direction, the request for variance to the sideyard setback at 115 Grove Street was pulled from the November 18, 2002 City Council agenda. No further conversations or actions relating to the variance request have taken place since that time.

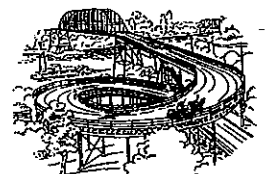
Please contact me by January 27, 2003 on how you wish to proceed. Unless otherwise directed, I will place the variance request on the February 3, 2003 City Council Agenda with the Planning Commission's recommendation for denial.

Please feel free to contact me with any questions at (651) 480-2378.

Sincerely,

CITY OF HASTINGS


John Hinzman, AICP
Planning Director



Hastings on the Mississippi

LAND USE APPLICATION

CITY OF HASTINGS
101 4th Street East, Hastings, MN 55033
Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: 115 Grove St.

Legal Description of Property Involved: The South 1/2 of Lot 13, and all of Lot 14, Block 2, Addition #13 City of Hastings

Applicant:

Name Mike Judge
Address 115 Grove St.
Hastings MN. 55033
Phone 651-437-3056
FAX _____

Official Use Only	
Date Rec'd	_____
File No.	_____
Fee Paid	_____
Rec'd by	_____
Ordinance #	_____
Section	_____

Owner (if different from Applicant):

Name _____
Address _____
Phone _____

Request: _____
Rezone: _____
Comp Plan Amend: _____
Site Plan: _____
Variance: \$100.00 75

Special Use: _____
Subdivision: _____
Vacation: _____
Other: _____
TOTAL: \$100.00 75.00

Description of Request (include site plan, survey, and/or plat if applicable):

Extend Garage Forward 11' AND South 5'

Plat indicates 6' to Line on South AND is NOT consistent to pin markers

[Signature] 9-20-02
Signature of Applicant Date

Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: February 3, 2003

Subject: Camegaran, LLC – House Move #2003-07 – Relocate Existing Home at 821 Vermillion Street to 214 East 8th Street.

REQUEST

Camegaran, LLC is proposing to move an existing home and garage located at 821 Vermillion Street to 214 East 8th Street.

This item was referred to the Planning Commission to consider aesthetic and functional compatibility of the house for the site as the 'Board of Design Control'.

Approval of the request is recommended subject to the conditions of the attached resolution.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The use conforms to the 2020 Comprehensive Plan. The subject property is classified U-II (Urban Residential 4-8 units per acre).

Zoning Classification

The subject property is zoned R-2, Medium Density Residence. Single family homes and garages are a permitted use in the R-2 District.

Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	8 th Street		
	Single Family Home	R-2 – Med. Density	U-II Urb. Res
East	Single Family Home	R-2 – Med. Density	U-II Urb. Res

South	Future Parking Lot	R-5 – High Density	U-II Urb. Res
West	Vacant Lot/Future Tot Lot	R-2 – Med. Density	U-II Urb. Res

Existing Condition

The existing site is grass and sloped open space.

RELOCATION REVIEW

House Condition

Included with the Staff report are pictures of the home and detached garage, which will also be moved. The home was constructed in 1880.

Surrounding Homes

Almost all of the homes along 8th Street between Vermillion and Ramsey were constructed prior to 1890. The style and size of this home fits in with these surrounding homes.

Zoning Setbacks

The proposed placement of the home on the lot meets all setback requirements of the R-2 zoning district.

Building Permit Review

The Building Official has inspected the home and given his approval for the move. The applicant will be required to obtain a building permit before the house may be moved. At that time, a certificate of survey must be submitted, and grading issues will be reviewed at that time by the Engineering Department.

Role of the Board of Design Control:

The Planning Commission acting as the 'Board of Design Control' has the following responsibilities:

1. **Call of Hearing:** The Board is required to hold a hearing to consider the application papers. Notification of the hearing date and time must be given to the applicant and other persons deemed appropriate by the Board Secretary.
2. **Hearing & Findings:** Before or during the hearing, each member may view the premises upon which the structure is located or to be located, and at the hearing the Board shall examine the application papers and hear the applicant. It may also hear any members of a citizen's committee and any other persons who request to be heard. The Board may adjourn from time to time, but within forty-eight (48) hours of the close of the hearing the Board shall, pursuant to a majority vote of all the members of the Board, file written findings of the fact that the exterior design, appearance and functional plan of such structure is or is not at variance or so

dissimilar with the exterior design, appearance and functional plans of structures constructed or in the course of construction in the neighborhood of said proposed structures, which are in the same zoning district as the proposed structure, as to cause material depreciation generally to property in said neighborhood. The Board shall further make a recommendation that the application be accordingly granted or denied. The action of the Board will then be presented to the City Council at its next regular meeting. Further action with respect to the granting or refusing of a permit with respect to such application shall be held in abeyance pending order and direction of the Council.

Neighborhood Response

Letters were sent late this week to neighboring property owners. No comments have been received as of yet.

RECOMMENDED ACTION

Planning Commission Recommendation

The Planning Commission recommended approval of the house and garage move, with the conditions attached, at their January 29, 2003, meeting.

Staff Recommendation

Motion to recommend to the City Council to authorize issuance of moving permits to the home and garage located at 821 Vermillion Street to be moved to 214 East 8th Street, subject to the conditions of the attached resolution

ATTACHMENTS

- Resolution
- Location Map
- Site Plan
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE MOVEMENT AND RELOCATION OF A HOME AND GARAGE
TO 214 EAST 8TH STREET**

Council member _____ introduced the following Resolution and
_____ moved its adoption:

WHEREAS, Camegaran, LLC owner of a single family residence and garage located at 821 Vermillion Street, has petitioned for approval relocate the home and garage to property located at 214 East 8th Street, also owned by Camegaran, LLC, legally described as Lot 1, Block 2, SCHOOLHOUSE SQUARE, Dakota County, Minnesota; AND

WHEREAS, on January 13, 2003, review was conducted before the Planning Commission of the City of Hastings, serving as the Board of Design Control as required by state law, city charter and city ordinance; AND

WHEREAS, The Board of Design Control has determined that the structure's design, function, and appearance conforms with the surrounding neighborhood, and would not depreciate values of existing structures.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF HASTINGS AS FOLLOWS:**

That the City Council hereby concurs with the opinion of the Planning Commission, and hereby approved the movement and relocation subject to the following conditions:

- 1) Adherence to the Site Plan as presented in the staff memorandum to the City Council dated February 3, 2003.
- 2) Recording of the Final Plat of SCHOOLHOUSE SQUARE with Dakota County.
- 3) Planting of one front yard tree per City Ordinance.
- 4) Securing a building permit for the relocation and reconstruction of the building.
- 5) Obtaining applicable street opening permits for utility connections.

Approval is subject to a one year Sunset Clause; if significant progress is not made towards relocation of the structure within one year of City Council approval, the approval is null and void.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Ayes: _____

Nays: _____

Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

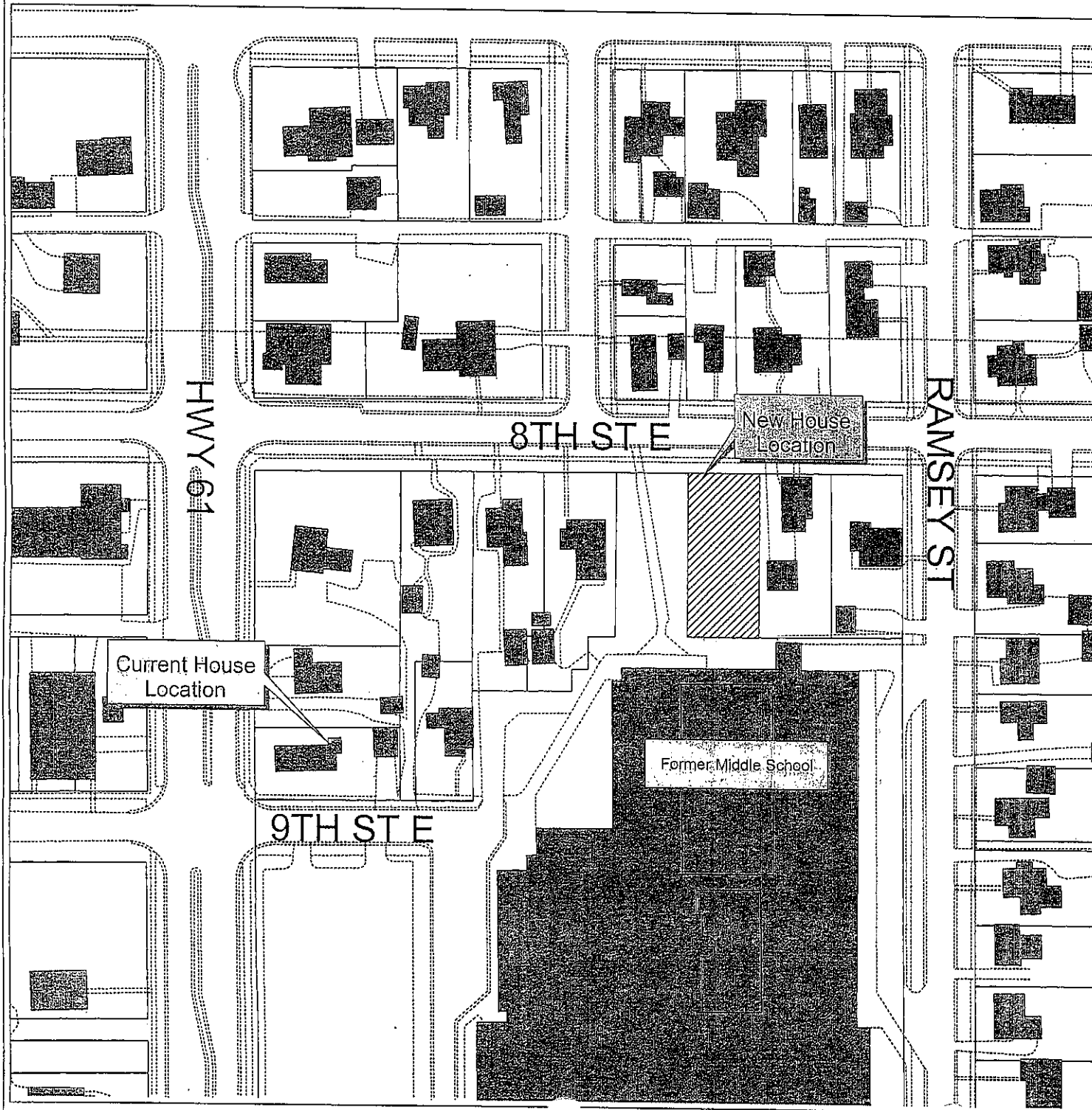
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 3rd day of February, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

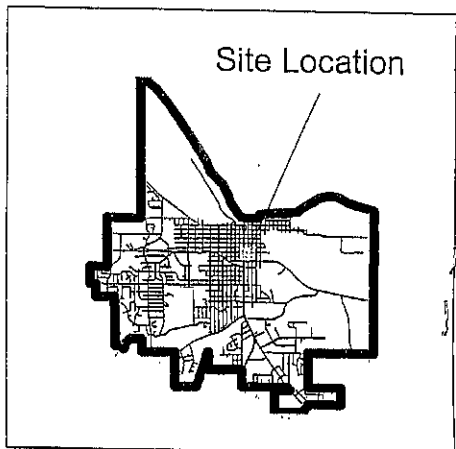
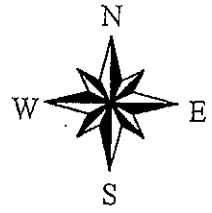
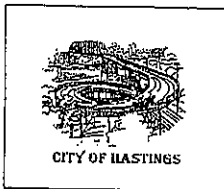
This instrument drafted by:
City of Hastings
101 4th St. East
Hastings, MN 55033

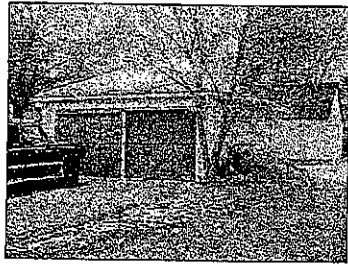
House Move 821 Vermillion to 214 E 8th



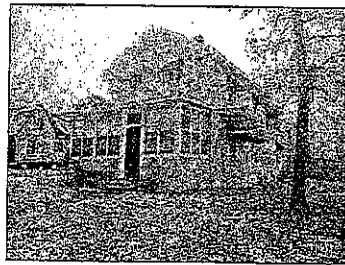
Legend

- Buildings
- Roads
- Parcels

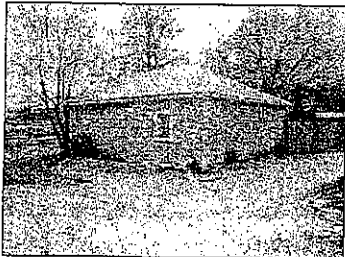




GARAGE FRONT



RESIDENCE FRONT



GARAGE REAR



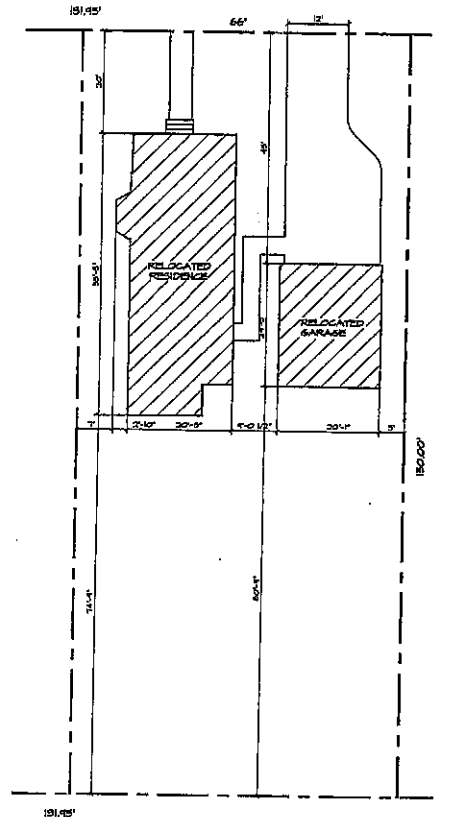
RESIDENCE REAR

ELEVATIONS

NO SCALE

NOTE:
 THIS SITE PLAN IS BASED ON
 INFORMATION PROVIDED TO
 THE ARCHITECT BY OTHERS.
 THE ARCHITECT ASSUMES NO
 RESPONSIBILITY FOR
 OBTAINING ACCURACY OF
 INFORMATION PROVIDED, AND
 CIVIL ENGINEERING PLANS
 FOR AUSTRALIAN
 JURISDICTION.

EIGHTH STREET



191.45'

RE-SITE PLAN

NO SCALE



THIS PLAN IS TO BE USED
 IN CONNECTION WITH THE
 ARCHITECT'S REPORT ONLY.
 IT IS NOT TO BE USED FOR
 ANY OTHER PURPOSES.
 THE ARCHITECT ASSUMES
 NO RESPONSIBILITY FOR
 OBTAINING ACCURACY OF
 INFORMATION PROVIDED,
 AND CIVIL ENGINEERING
 PLANS FOR AUSTRALIAN
 JURISDICTION.

David L. Harris, Architect
 INCORPORATED, N.J.
 1000 ROUTE 208, SUITE 100
 HILLSBORO, N.J. 08064
 TEL: 908.261.1111
 FAX: 908.261.1112




RE-SITE FOR:
GREG STOTKO
 Eighth Street

10 JUN 03
 1 of 1
 Project no.
R-02-903

Memo

To: Mayor & Council

From: Marty McNamara 

Subject: Ordinance Amendment

Date: January 16, 2003

Last year park employees spent a great deal of their time removing broken glass from the parks & trails. There was more broken glass in 2002 than ever before. Staff approached the NRRC with the problem and reviewed with them ordinances adopted by other communities prohibiting glass from parks.

The NRRC voted unanimously to direct staff to work with the City Attorney in drafting an ordinance that would prohibit glass containers in City Parks. The NRRC asked that this proposed ordinance change be forwarded to the City Council for their approval prior to the spring season of 2003.

COUNCIL ACTION

Approve the attached amended ordinance prohibiting glass containers of any type from being brought into, used or discarded within any city park.

ORDINANCE NO. ____ - SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
HASTINGS CITY CODE SECTION 9.84 BY ADDING A PROVISION
PROHIBITING GLASS BEVERAGE CONTAINERS OF ANY TYPE
FROM BEING BROUGHT INTO, USED OR DISCARDED
WITHIN ANY CITY PARK.**

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

I. Hastings City Code Section 9.84, is amended to add the following new Subdivision 4:

SUBD. 4 GLASS BEVERAGE CONTAINERS PROHIBITED.

1. It is unlawful for any person to bring into, use or discard, in any City park, any glass beverage containers, including but not limited to pop, beer and water bottles, drinking glasses and drinking cups.
2. Existing Subdivisions 4, 5 and 6 shall be renumbered accordingly.

II. 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.

This ordinance was adopted by the Hastings City Council on this ____ day of _____, 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko, Administrative Asst./City Clerk