

+CITY OF HASTINGS

COUNCIL MEETING 7:00 P.M. DATE: **Monday
April 21, 2003**

I. CALL TO ORDER:

II. ROLL CALL:

III. DETERMINATION OF QUORUM:

IV. APPROVAL OF MINUTES:

Approval of Minutes for the Regular Meeting on April 7, 2003

V. COUNCIL ITEMS TO BE CONSIDERED:

Presentation—City Tree Awards

VI. CONSENT AGENDA:

The items on the Consent Agenda are to be acted upon by the City Council in a single motion. There will be no discussion of these items unless a Councilmember or citizen so requests, in which event the items will be removed from the Consent Agenda to the appropriate department for discussion.

1. Pay Bills As Audited
2. Resolution—Approve Massage Therapy License: Rachel Read
3. Resolution—Massage Therapy License: Suzanne Dillon
4. Renewal of Massage Therapy License: Diane Witte
5. Approve Tobacco License—Hastings Veterans Home
6. Item omitted
7. Revisions to Public Works Garage Usage Policy
8. Resolution – Accept Riverwood/South Oaks Feasibility Study and Order Public Hearing
9. Approve Temporary Construction Easement with Dakota County for General Sieben Drive Landscaping
10. Authorize Purchase of Street Department Pickups
11. Resolution—Approve Hazardous Fence (Barbed Wire): Metropolitan Wastewater Treatment Plant (100 Lea Street)
12. Resolution—Final Plat: Century South 5th Addition: Olson Drive (Lyman Development Company)
13. Development Agreement—Century South 5th Addition: Olson Drive (Lyman Development Company)
14. 2003 Budget Adjustments
15. Appointment to Heritage Preservation Commission
16. Authorize Purchase of Two Vehicles for Inspections & Code Enforcement
17. Approve Extension of Unpaid Leave of Absence
18. Resolution – Approve Temporary Exempt Permit – City of Hope and Smead Manufacturing Company

VII. AWARDING OF CONTRACTS & PUBLIC HEARING:

1. Public Hearing on Ordinance Amendments to Chapters 4, 10, 11, & 12
2. Public Hearing on Ordinance Amendments to Chapter 4—Adoption of State Building Code, Including All Amendments
3. Public Hearing—Preliminary Plat/Final Plat: South Pines 5 (Edward McMenomy)
4. Public Hearing—Comprehensive Plan Amendment/Rezoning/Preliminary Plat/Final Plat: South Pines 6 (Lawrence Builders)
5. Public Hearing—Vacation of Easement: Pleasant Acres 1st Addition (Twin Cities Habitat for Humanity)

6. Public Hearing—Amend Chapter 3: Alcoholic Beverage Regulation
7. Public Hearing—Amend Chapter 12: Reconnection Charges
8. Public Hearing—Late Fee Charges
9. Public Hearing—Regulation of Fireworks
10. Public Hearing—Ordinance Annexation: Hastings Land LLC

VIII. REPORTS FROM CITY STAFF:

A. Public Works

1. Second Reading—Ordinance Amendments to Chapters 10, 11, & 12
2. Resolution—Adopting Fees, Escrow Requirements, and Billing Rates
3. Second Reading—Ordinance Amendments to Chapter 4—Adoption of State Building Code, Including All Amendments
4. Resolution—Adopting Building Permit Fees for 2003
5. Resolution—Approve Public Works Construction Design Standards Manual
6. Resolution—Approve 2003 Standard Specifications
7. Petition—31st Street Improvements

B. Planning

1. Second Reading—Resolutions -Preliminary Plat/Final Plat: South Pines 5 (Edward McMenemy)
2. Development Agreement South Pines V
3. Second Reading—Resolutions & Ordinance -Comprehensive Plan Amendment/ Rezoning/Preliminary Plat/Final Plat: South Pines 6 (Lawrence Builders)
4. Second Reading- Resolution - Vacation of Easement: Pleasant Acres 1st Addition (Twin Cities Habitat for Humanity)
5. Resolution—Special Use Permit: Operation of an Auto Service Station in the C-3 Zoning District: 1501 Vermillion Street (Abdifatah S. Ali)
6. Resolution—Minor Subdivision: Former Hastings Middle School Site: NE Corner of 10th and Vermillion Streets (Camegaran, LLC)
7. Development Agreement Schoolhouse Square Townhomes
8. Resolution—Variance: Sideyard Setback: 1210 Lyn Way (Brian Groskopf)
9. Request for Qualifications – Hastings Industrial Park Phase II

C. Administration

1. Second Reading—Amend Chapter 3: Alcoholic Beverage Regulation
2. Second Reading—Amend Chapter 12: Reconnection Charges
3. Resolution—Reconnection Charges
4. Second Reading—Late Fee Charges
5. Second Reading—Regulation of Fireworks
6. Resolution—Setting Annual License Fee & Background Investigation Fee for a Fireworks License
7. Second Reading—Annexation: Hastings Land LLC

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 Monday, May 5, 2003

City Council Minutes

Hastings, Minnesota

April 7, 2003

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

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

Members Absent: None

Staff Members Present: David Osberg, City Administrator;
Shawn Moynihan, City Attorney;
Melanie Mesko Lee, Administrative Assistant/City Clerk;
John Hinzman, Planning Director;
John Grossman, HRA Director;
Tom Montgomery, Public Works Director;
Bill Mesaros, Supervisor of Inspections & Code Enforcement

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of March 17, 2003 or the special meeting of March 24, 2003. Hearing none, the minutes were approved as presented.

Consent Agenda

City Administrator Osberg requested that Item #19--Adopt By-Laws for Economic Development Commission, be tabled until April 21, 2003.

Moved by Councilmember Yandrasits, seconded by Councilmember Hicks, to approve the Consent Agenda as amended.

7 Ayes; Nays, None.

1. Pay Bills As Audited
2. Resolution—Approve Massage Therapy License—Mary Thibido
3. Resolution—Approve One-Day Amendment to Liquor License and Dance Permit—Papa Charrito's
4. Resolution—Approve Increase in On-Sale Liquor License Fees
5. Resolution—Approve One-Day Gambling Permit for Jack J. Jorgensen Charitable Trust
6. Resolution—Approve Three-Day Amendment to Liquor License—American Legion Club
7. Approve Cleaning Agreement—Public Works Building
8. Resolution—Approve Wine and 3.2% Beer License: The Red Feather (118 2nd Street East)
9. First Reading and Order Public Hearing—Amend Chapter 3: Alcoholic Beverage Regulation

10. First Reading & Order Public Hearing—Preliminary Plat/Final Plat: South Pines 5 (Edward McMenemy)
 11. First Reading and Order Public Hearing—Comprehensive Plan Amendment/Rezoning/Preliminary Plat/Final Plat: South Pines 6 (Lawrence Builders)
 12. First Reading/Schedule Public Hearing—Vacation of Easement: Pleasant Acres 1st Addition (Twin Cities Habitat for Humanity).
 13. Resolution—Final Plat: Century South 4th Addition (Lyman Development Company)
 14. Development Agreement—Century South 4th Addition (Lyman Development Company)
 15. Request Authorization to Declare Property as Excess
 16. Amendment to Hastings Marketplace Covenants
 17. Resolution - Delegated Contract Agreement—MnDOT
 18. Budget Transfer Request
 19. Adopt By-Laws for Economic Development Commission—*tabled until April 21, 2003*
 20. 2003 Summer Concerts at City Hall
 21. First Reading and Order Public Hearing—Amend Chapter 12: Reconnection Charges
 22. Request for Approval of Conference Attendance
 23. Approve Agreement—Mutual Police Assistance
 24. Approve Agreement with Retailers Protection Association for Bad Check Program
 25. Approval for 2003 Spring Clean-Up Day for April 26, 2003
 26. Resolution—Approve Copy Charges
 27. First Reading and Order Public Hearing—Late Fee Charges
 28. First Reading and Order Public Hearing—Regulation of Fireworks
- Copy of resolutions on file.*

Public Hearing—Vacation of Right-of-Way: Oak Street

Mayor Werner opened the public hearing at 7:02 p.m. Planning Director Hinzman provided a brief background on the proposed project. Hearing no further comments, the public hearing was closed at 7:03 p.m.

Second Reading—Vacation of Right-of-Way: Oak Street

Moved by Councilmember Hicks, seconded by Councilmember Riveness to approve the vacation of right-of-way as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Public Hearing—Rezoning Property from I-1 & R-2 to C-3: 515 East 3rd Street (Christ's Family Church)

Mayor Werner opened the public hearing at 7:03 p.m. Planning Director Hinzman provided a brief background on the proposed project. Hearing no further comments, the public hearing was closed at 7:04 p.m.

Ordinance Amendment—Rezoning Property from I-1 & R-2 to C-3: 515 East 3rd Street (Christ's Family Church)

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the ordinance amendment as presented.

7 Ayes; Nays, none.

First Reading and Order Public Hearing on Ordinance Amendments to Chapters 10, 11, & 12

Public Works Director Montgomery provided background on the proposed changes, many of which are "housekeeping" items. Montgomery stated that staff will hold an open house to provide information to contractors and the public prior to the proposed public meeting on April 21.

Moved by Councilmember Schultz, seconded by Councilmember Moratzka to approve the first reading and order a public hearing for April 21, 2003.

7 Ayes; Nays, none.

First Reading and Order Public Hearing on Ordinance Amendments to Chapter 4—Adoption of State Building Code, Including All Amendments

Supervisor of Inspections and Code Enforcement Mesaros provided background on the proposed changes. Councilmember Yandrasits asked how historical buildings will be impacted by these proposals and asked that the HPC and Historic Preservation Committee of the Council be provided information.

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the first reading and order a public hearing for April 21, 2003.

7 Ayes; Nays, none.

Variance: Side Yard Setback & Wall Height—613 West 6th Street (Pontzer)

Planning Director Hinzman stated that all legal code requirements have been addressed in this revised plan, and that, should the variances be approved, staff can legally issue a building permit for the proposed project. Hinzman also stated that staff continues to recommend denial of the variances due to the determination that the applicant does not meet the requirements. Hinzman then stated that the Planning Commission approved both variances at their March 10 meeting.

Variance: Side Yard Setback

Moved by Councilmember Hicks, seconded by Councilmember Hazlet to approve the variance to the side yard setback with the findings of the Planning Commission, the fact that the proposed garage matches the style of the house and the general neighborhood, and because original garage was located on the lot line.

7 Ayes; Nays, none.

Copy of resolution on file.

Variance: Wall Height

Councilmember Riveness stated his opposition to this request due to the fact that the Council recently adopted a 10 foot height limit on garages and this request is contrary to that limit.

Councilmember Yandrasits stated that she would support the request, as the plans attempt to fit a new building into an older neighborhood. Councilmembers Moratzka and Schultz also stated their support for the request.

Mayor Werner questioned whether the criteria for granting a variance has been met.

Mitchell Johnson, 613 West 6th Street and the applicant, stated that he felt the proposal is more aesthetically pleasing than what is permitted by code without a sidewall variance needed.

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

Roll call vote was taken: 5 ayes; Nays, 2; Councilmember Riveness and Mayor Werner voting against. Motion fails, as variances need a 6/7 vote for approval.

Councilmember Hicks asks Councilmember Riveness or Mayor Werner to reconsider their vote in recognition of the fact that the code requirement of a 10 foot sidewall height could result in a building with a large roof and an overall height of 25 feet tall as opposed to the proposal for a building with 12-foot sidewalls and an overall height of 17'6".

Moved by Mayor Werner, seconded by Councilmember Hazlet to reconsider the request for a sidewall variance.

7 Ayes; Nays, none.

Moved by Councilmember Hicks, seconded by Councilmember Riveness to approve the request for a 12' sidewall variance with a limitation on overall height at 17'6".
7 Ayes; Nays, none.

Roof Sign Approval—501 Vermillion Street (Common Cents)

Councilmember Yandrasits stated opposition to the request, in that the reason the building and previous business had a roof sign approval in the past no longer exists.

Moved by Councilmember Hicks, seconded by Councilmember Riveness to approve the roof sign at 501 Vermillion Street.

5 Ayes; Nays, two; Councilmembers Moratzka and Yandrasits voting against. Motion was approved.

McAuliffe School Traffic Control Program

City Administrator Osberg stated that staff is recommending approval of an agreement with the school district to provide City reserve officers in the morning and afternoon to assist with traffic control at a cost of \$40 per day. These officers would not provide pedestrian crossing and the agreement would be in place through the end of the 2002/2003 school year. Osberg stated that the long-term solution is a proposed secondary access, with a hopeful completion by fall 2003.

Moved by Councilmember Schultz, seconded by Councilmember Riveness to approve the agreement as presented.

7 Ayes; Nays, none.

Resolution—2003 Budget Reductions

Moved by Councilmember Riveness, seconded by Councilmember Hazlet to approve the 5% budget reductions as presented.

7 Ayes; Nays, None.

Great River Energy Power Plant Discussion

Terry Flower, 13586 Fischer Avenue, Nininger Township, spoke before the Council and asked for the City's support in opposing GRE's request for an exemption to the personal property tax on a proposed power plant to be located in Rosemount. He stated that Dakota County Board of Commissioners are scheduled to meet on April 8, 2003 at 9:00 a.m. to consider the request.

Adjournment

Moved by Councilmember Hicks, seconded by Councilmember Riveness to adjourn the meeting at 8:37 p.m.

7 Ayes; Nays, None.

Mayor

ATTEST _____
City Clerk



CITY OF HASTINGS TREE AWARDS

The City of Hastings, through the Natural Resources and Recreation Commission and the City Forester, would like to specially recognize the following groups or individuals for contribution to the city that has gone beyond the ordinary. Their efforts have helped to beautify Hastings with trees along our streets, trails and in our parks.

Three projects stand out as meritorious efforts to plant trees in our community during the past year. Each is different and yet they all leave a lasting impact that Hastings will enjoy for many, many years.

The first is to recognize donations made by a local company who over the years has contributed many trees used to reforest our parks and trails. Each year they have given some trees in the spring, fall or maybe both that the Parks Department has planted to replace trees lost to Dutch Elm Disease. During 2002 Hoffman & McNamara Nursery and Landscape again contributed greatly by donating the following trees we have planted in our parks:

| | | | | |
|---------------|----|-----------|-------------------------|-----------------------------|
| Pleasant Park | 1 | B & B | Spring Snow Crab | Donation Hoffman & McNamara |
| Pleasant Park | 1 | B & B | Prairie Spire Crab | Donation Hoffman & McNamara |
| Wallin Park | 1 | B & B | Red Splendor Crab | Donation Hoffman & McNamara |
| Tuttle Park | 10 | Container | Prairie Spire Crab | Donation Hoffman & McNamara |
| Tuttle Park | 4 | B & B | River Birch | Donation Hoffman & McNamara |

Next we want to award and extend our appreciation to Jim Johnston of Lyman Development. The Century South development is happening with great regard to the need for trees along the streets and trails. The project to fully design and plant the Greten-Century South Park was exceptional. Because of proactive efforts the residents now enjoy the trees in this new beautiful park.

| | | | | |
|------------------------------|-----|-------|--------------|---------------------------|
| Greten-Century South Park | 109 | B & B | many species | Through developer efforts |
|------------------------------|-----|-------|--------------|---------------------------|

Finally we have an award for a citizen who has gone beyond the call of duty to have trees planted along the streets in Hastings. This past year Nick Conzemius has had trees planted along West 4th Street and two sides of Pleasant Avenue. This was done in advance of the City's requirement for planting in a new development. Trees take a long time to grow and this head start will undoubtedly add to the benefit that these trees give us.

| | | | | |
|--|----|-----|--------------|---------------------------|
| Pleasant Ave & West 4 th St. | 82 | B&B | many species | Property owner initiative |
|--|----|-----|--------------|---------------------------|

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

Memo

To: City Council
From: Becky Kline
Finance Department
Date: 04/15/2003

The attached Department Report itemizes vouchers that were paid on April 15, 2003.

Thank you.

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|---|--------------------------|------------|
| | MN CHILDRN SUPPORT PMT CONNELL / CASE 001435452 | | 230.73 |
| | MN CHILDRN SUPPORT PMT PUCH/CS 00138614701 & 00 | | 604.70 |
| | Total for Department 000 | | 835.43* |
| COUNCIL AND MAYOR | DAKOTA COUNTY TREAS- | PROP TAX/SO PINES 3/ OUT | 241.98 |
| | Total for Department 102 | | 241.98* |
| ADMINISTRATION | AT&T | LONG DISTANCE | 379.00 |
| ADMINISTRATION | LASERSHARP, INC. | TONER CARTRIDGE | 84.14 |
| | Total for Department 105 | | 463.14* |
| CITY CLERK | HASTINGS STAR GAZETT | AMEND CHAP 10 & 11 | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | MINOR SUB /SCHOOLHOUSE S | 56.00 |
| CITY CLERK | INT'L PERSONNEL MGMT | BOOKLETS/ ADA & SUCCESSI | 51.00 |
| | Total for Department 107 | | 131.00* |
| FINANCE | KERN, DeWENTER, VIER | 2002 AUDIT | 15,000.00 |
| | Total for Department 120 | | 15,000.00* |
| LEGAL | FLUEGEL, MOYNIHAN, MIL | COPY COSTS/ SERVICE FEES | 364.05 |
| | Total for Department 130 | | 364.05* |
| MAINTENANCE | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 17.48 |
| MAINTENANCE | ELECTRO WATCHMAN, IN | ALARM MONITORING FEE | 57.51 |
| MAINTENANCE | GERRY'S FIRE PROTECT | CITY HALL FIRE EXTINGUIS | 86.82 |
| MAINTENANCE | LIFEWORX SERVICES I | MARCH SERVICES | 165.88 |
| MAINTENANCE | REIS, INC | SUPPLIES | 88.76 |
| MAINTENANCE | SCHILLING PAPER CO. | SUPPLIES | 185.17 |
| | Total for Department 140 | | 601.62* |
| M.I.S. | VECTOR INTERNET SERV | WEB HOSTING | 34.95 |
| | Total for Department 160 | | 34.95* |
| POLICE | AT&T | LONG DISTANCE | 376.20 |
| POLICE | BIRCHEN ENTERPRISES | MAINT | 1,233.78 |
| POLICE | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 2,089.29 |
| POLICE | KISSNER, CARY L. | REPAIR SQUAD 1415 | 1,057.85 |
| POLICE | MN DEPT OF PUBLIC SA | CJDN CONNECTION | 390.00 |
| POLICE | MN DEPT OF PUBLIC SA | MDT CONNECTION | 380.00 |
| POLICE | MN DEPT OF ADMINISTR | USAGE FEE/STATE LINK | 37.00 |
| POLICE | MRS K'S COFFEE SHOP | CJIS TRAINING CLASS ITEM | 73.50 |
| POLICE | SOUTHEAST TOWING OF | FORFEITED VEHICLE TOWING | 231.88 |
| POLICE | UNIFORMS UNLIMITED | MUNSON UNIFORMS | 57.50 |
| | Total for Department 201 | | 5,927.00* |
| BUILDING AND INSPECT | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 150.95 |
| | Total for Department 230 | | 150.95* |
| PUBLIC WORKS | ANDERSEN, E.F. & ASS | SIGN PLATES | 956.16 |
| PUBLIC WORKS | BARR ENGINEERING CO. | WALLIN CLOMR | 2,194.45 |
| PUBLIC WORKS | BARR ENGINEERING CO. | WMS | 1,771.50 |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|--------------------------|--------------------------|------------|
| PUBLIC WORKS | CHESLEY TRUCK & TRAI OIL | | 9.56 |
| PUBLIC WORKS | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 1,950.16 |
| PUBLIC WORKS | G & K SERVICES | MATS / TOWEL RENTAL | 125.17 |
| PUBLIC WORKS | MIDTOWN FOOD CENTER | VINEGAR | 7.77 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | BRAKE LINES / GREASE | 21.44 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | CYLINDER / BRAKE LINES | 19.94 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | FILTER | 9.34 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | FITTINGS / O RINGS | 4.74 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | LIGHT BAR | 15.94 |
| PUBLIC WORKS | PRAXAIR DISTRIBUTION | CYLINDER/ RENTAL | 83.18 |
| PUBLIC WORKS | RDO EQUIPMENT / POWE | BELT | 33.12 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | CARDED TAP | 4.25 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | HANDLES / CHAIN SAW FILE | 16.99 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | MAILBOX POST | 31.94 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | NUTS / BOLTS / WASHERS | 39.47 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | SCREWS | 1.09 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | SUPPLIES | 77.88 |
| PUBLIC WORKS | UNIVERSITY OF MINNES | PEDERSEN / EROSION CLASS | 95.00 |
| | | Total for Department 300 | 7,469.09* |
| | | Total for Fund 101 | 31,219.21* |
| PARKS AND RECREATION | AT&T | LONG DISTANCE | .50 |
| PARKS AND RECREATION | HATCH SALES CO. | SHOVELS/ GAS CAN/GLOVES/ | 378.36 |
| PARKS AND RECREATION | LEEF BROTHERS, INC. | TOWELS | 44.03 |
| PARKS AND RECREATION | MOTOR PARTS SERVICE | VALVE STEM | 3.95 |
| PARKS AND RECREATION | MTI DISTRIBUTING COM | BALLJOINT /TIRES | 836.78 |
| PARKS AND RECREATION | SHERWIN-WILLIAMS | PAINT | 159.47 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | BOLT | 20.28 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | BOLTS | 4.47 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | BULBS | 8.50 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | HOOKS | 20.30 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | PARTS | 15.38 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | PIPE FITTINGS | 37.72 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | SUPPLIES | 116.18 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | SWITCH | 12.24 |
| | | Total for Department 401 | 1,658.16* |
| | | Total for Fund 200 | 1,658.16* |
| FIRE | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 696.99 |
| | | Total for Department 210 | 696.99* |
| AMBULANCE | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 155.79 |
| | | Total for Department 220 | 155.79* |
| | | Total for Fund 213 | 852.78* |
| DEBT | SPRINGSTED PUBLIC FI | CONTINUING DISCLOSURE SE | 200.00 |
| | | Total for Department 700 | 200.00* |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|---------------------|---|--------------------------|------------|
| | | Total for Fund 301 | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 360 | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 370 | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 380 | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 398 | 200.00* |
| EQUIPMENT REVOLVING | CHRYSLER FINANCIAL C FINAL JEEP LEASE CHARGE | | 258.23 |
| EQUIPMENT REVOLVING | INNERLINK TECHNOLOGY FD WIRING / WAN | | 486.98 |
| EQUIPMENT REVOLVING | INNERLINK TECHNOLOGY PD & FD CONSULT | | 581.00 |
| EQUIPMENT REVOLVING | INNERLINK TECHNOLOGY PD REWIRE/ RADIO / WAN | | 2,265.31 |
| EQUIPMENT REVOLVING | INNERLINK TECHNOLOGY WIRING / WAN | | 486.98 |
| | | Total for Department 800 | 4,078.50* |
| | | Total for Fund 403 | 4,078.50* |
| PUBLIC WORKS | BARR ENGINEERING CO. GS DR EXT | | 185.00 |
| | | Total for Department 300 | 185.00* |
| | | Total for Fund 493 | 185.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | -1,000.00 |
| | | Total for Department 700 | -1,000.00* |
| | | Total for Fund 500 | -1,000.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 520 | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | | Total for Department 700 | 200.00* |
| | | Total for Fund 521 | 200.00* |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|--------------|---|--------------------------|----------|
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | Total for Department 700 | | 200.00* |
| | Total for Fund 522 | | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | Total for Department 700 | | 200.00* |
| | Total for Fund 597 | | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | Total for Department 700 | | 200.00* |
| | Total for Fund 598 | | 200.00* |
| DEBT | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| | Total for Department 700 | | 200.00* |
| | Total for Fund 599 | | 200.00* |
| PUBLIC WORKS | THEIS KAREN | REFUND OVERPAY FINAL | 22.30 |
| PUBLIC WORKS | ROBINSON BRADY | REFUND OVERPAY FINAL | 6.25 |
| PUBLIC WORKS | STEVENSON CATHY | REFUND OVERPAY FINAL | 37.60 |
| PUBLIC WORKS | SCHOEPPNER DALE | REFUND OVERPAY FINAL | 56.75 |
| PUBLIC WORKS | KOCH CLEM | REFUND OVERPAYFINAL | 24.53 |
| PUBLIC WORKS | MAYNARD DAVID / CATH | REFUND OVERPAY FINAL | 4.43 |
| PUBLIC WORKS | HESELTON GARY | REFUND OVERPAY FINAL | 3.00 |
| PUBLIC WORKS | RIES RICK / BONNIE | REFUND OVERPAYMENT FINAL | 28.36 |
| PUBLIC WORKS | BARR ENGINEERING CO. | PROF SERVICES | 1,818.73 |
| PUBLIC WORKS | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 582.58 |
| PUBLIC WORKS | DEERFIELD ADVERTISIN | DUBE/ OUTERWEAR | 100.00 |
| PUBLIC WORKS | EDP COMPUTER SYSTEMS | COMPUTER | 1,181.72 |
| PUBLIC WORKS | GLENWOOD INGLEWOOD C | WATER COOLER RENTAL | 24.93 |
| PUBLIC WORKS | INVENSYS METERING SY | SOFTWARE SUPPORT | 1,000.00 |
| PUBLIC WORKS | MN DEPARTMENT OF HEA | WATER LICENSE / REUDY | 23.00 |
| PUBLIC WORKS | MINNCOMM PAGING | PAGER SERVICES | 18.88 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | BELT | 19.95 |
| PUBLIC WORKS | NAT'L WATERWORKS | FLANGE KITS | 95.55 |
| PUBLIC WORKS | NINE EAGLES PROMOTIO | PEINE / SHIRTS, JACKET | 158.00 |
| PUBLIC WORKS | SOFTWARE SPECTRUM IN | PC ANYWHERE | 175.73 |
| PUBLIC WORKS | SPRINGSTED PUBLIC FI CONTINUING DISCLOSURE SE | | 200.00 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | CYLINDER | 6.16 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | DRILL BITS / SHIPPING | 41.67 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | FILTERS | 21.28 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | FITTINGS / | 15.71 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | PASTE / TAPE | 4.88 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | PINE SOL | 4.78 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | PROPANE CYLINDER | 29.81 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | RUBES | 3.73 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | SHIPPING SERVICE | 5.44 |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|------------|
| PUBLIC WORKS | TERRY'S ACE HARDWARE | TIES / SCREWDRIVER | 37.57 |
| PUBLIC WORKS | TWIN CITY WATER CLIN | BACTERIA ANALYSIS | 160.00 |
| | | Total for Department 300 | 5,913.32* |
| | | Total for Fund 600 | 5,913.32* |
| PUBLIC WORKS | MCES | WASTEWATER SERVICE 5/03 | 65,086.67 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | CABLE | 4.78 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | STRAPS/ CORD | 12.93 |
| | | Total for Department 300 | 65,104.38* |
| | | Total for Fund 601 | 65,104.38* |
| CITY CLERK | CHOICEPOINT SERVICES | RANDOM TRAC DRUG TESTING | 56.00 |
| CITY CLERK | DAKOTA COUNTY TREAS- | DAKOTA CO FUEL MAR CHGS | 1,257.72 |
| | | Total for Department 107 | 1,313.72* |
| | | Total for Fund 610 | 1,313.72* |
| PARKS AND RECREATION | ARROW BUILDING CENTE | WOOD | 88.38 |
| PARKS AND RECREATION | ELECTRO WATCHMAN, | IN QUARTERLY CHARGE | 57.51 |
| PARKS AND RECREATION | GERRY'S FIRE PROTECT | EXTINGUISHER INSPECTIONS | 81.11 |
| PARKS AND RECREATION | HASTINGS STAR GAZETT | ADULT INDOOR SOCCER | 143.40 |
| PARKS AND RECREATION | MIDTOWN FOOD CENTER | BUNS | 5.18 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | DRILL | 106.49 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | SCREWS | 14.77 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | SALT | 35.04 |
| PARKS AND RECREATION | TERRY'S ACE HARDWARE | SCREWS | 7.41 |
| | | Total for Department 401 | 539.29* |
| | | Total for Fund 615 | 539.29* |
| PUBLIC WORKS | BAY WEST, INC | ABSORBENT PADS | 335.85 |
| PUBLIC WORKS | K.R. WEST CO. INC. | HOSES | 50.00 |
| PUBLIC WORKS | K.R. WEST CO. INC. | LABOR / MILEAGE | 702.00 |
| PUBLIC WORKS | LOVEGREEN TURBINE SE | SHAFT SEAL | 6,360.43 |
| PUBLIC WORKS | MOTOR PARTS SERVICE | TOOL | 3.35 |
| PUBLIC WORKS | NORTH AMERICAN HYDRO | LABOR / MILEAGE/ EXPENSE | 16,051.23 |
| PUBLIC WORKS | NORTH AMERICAN HYDRO | PARTS / FREIGHT | 4,131.31 |
| PUBLIC WORKS | PORTABLE BARGE SERVI | LABOR | 2,346.00 |
| PUBLIC WORKS | SPAULDING CONSULTANT | PROFESSIONAL SERVICES | 713.85 |
| PUBLIC WORKS | SPRINGSTED PUBLIC FI | CONTINUING DISCLOSURE SE | 600.00 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | GLUE | 3.82 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | PIPE INSULATE | 18.08 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | RAGS / TOWELS/ ETC | 44.82 |
| PUBLIC WORKS | TERRY'S ACE HARDWARE | SANDPAPER | 17.01 |
| PUBLIC WORKS | WASTE MANAGEMENT | DUMPSTER RENTAL | 72.40 |
| | | Total for Department 300 | 31,450.15* |
| | | Total for Fund 620 | 31,450.15* |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|-------------|-------------|-------------|-------------|
| Grand Total | | | 143,514.51* |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

VI-1

| Department | Vendor Name | Description | Amount |
|-------------------|----------------------|--------------------------|-----------|
| | REGINA MEDICAL CENTE | APR WELLNESS | 100.00 |
| | | Total for Department 000 | 100.00* |
| COUNCIL AND MAYOR | OSBERG, DAVID M. | SUPPLIES COUNCIL STAFF W | 48.94 |
| COUNCIL AND MAYOR | SUBURBAN RATE AUTHO | 2003 MEMBERSHIPS ASSESSM | 600.00 |
| | | Total for Department 102 | 648.94* |
| ADMINISTRATION | BOISE CASCADE OFFICE | OFFICE SUPPLIES | 272.39 |
| ADMINISTRATION | METRO AREA MNGR ASSN | MAMA 2003 DUES | 50.00 |
| ADMINISTRATION | NEXTEL COMMUNICATION | CELL PHONE SERVICE | 35.84 |
| | | Total for Department 105 | 358.23* |
| CITY CLERK | HASTINGS STAR GAZETT | CHANGE LATE PENALTIES | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | CHAP 4 CONST REGS | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | LIC FIREWORKS | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | LICENSES | 16.00 |
| CITY CLERK | HASTINGS STAR GAZETT | ORD 488/ REZONE | 32.00 |
| CITY CLERK | HASTINGS STAR GAZETT | SO PINES 5 | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | SO PINES 6 | 56.00 |
| CITY CLERK | HASTINGS STAR GAZETT | SPEC USE/1501 VERMILLION | 24.00 |
| CITY CLERK | HASTINGS STAR GAZETT | VAC EASEMENT/PLEAS ACRES | 24.00 |
| CITY CLERK | MESKO LEE, MELANIE | EXPENSE REIMBURSEMENT | 91.86 |
| CITY CLERK | MINN UC FUND | PAT KELLEY/ UNEMPLOYMENT | 440.75 |
| CITY CLERK | U.S. POSTMASTER | SPRING NEWSLETTER POSTAG | 1,066.24 |
| | | Total for Department 107 | 1,846.85* |
| FINANCE | HASTINGS AREA CHAMBE | FEB LODGING TAX/ 4 OF 5 | 3,765.86 |
| FINANCE | SOFTWARE SPECTRUM IN | PC ANYWHERE UPGRADE | 175.73 |
| | | Total for Department 120 | 3,941.59* |
| MAINTENANCE | CRAMER BLDG SERVICE | QUARTERLY BILLING | 278.00 |
| MAINTENANCE | DAKOTA ELECTRIC ASSN | MAR ELECTRICITY | 16.86 |
| MAINTENANCE | MAINTENANCE ENGINEER | LAMPS | 401.48 |
| MAINTENANCE | VOSS LIGHTING | LAMPS | 223.50 |
| | | Total for Department 140 | 919.84* |
| PLANNING | BOISE CASCADE OFFICE | BINDERS | -50.61 |
| PLANNING | HINZMAN JOHN | APA CONF EXPENSES | 375.69 |
| PLANNING | HINZMAN JOHN | MILEAGE REIMBURSEMENT | 31.28 |
| | | Total for Department 150 | 356.36* |
| M.I.S. | NORNES, STEPHANIE | CABLES/ CD DRIVE | 55.18 |
| | | Total for Department 160 | 55.18* |
| POLICE | ASSN OF MN EMERGENCY | 2003 MEMBERSHIP/ HOLMES | 200.00 |
| POLICE | ATOM | TOLLEFSON/ TRAINING | 400.00 |
| POLICE | GALLAND JAMES | BODY ARMOR/ GALLAND | 335.00 |
| POLICE | GERRY'S FIRE PROTECT | POLICE/ FIRE EXTINGUISHE | 120.48 |
| POLICE | LOHMANN, MARY | UNIFORMS | 51.95 |
| POLICE | MILLER & HOLMES, INC | SQUAD CAR WASHES | 125.00 |
| POLICE | MURR, LILY | CRIME FREE MULTIHOUSING | 102.34 |

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

| Department | Vendor Name | Description | Amount |
|----------------------|--------------------------|--------------------------|------------|
| POLICE | NOWLAN, CRAIG | EXPENSE REIMBURSEMENT | 68.00 |
| POLICE | NORTHLAND BUSINESS S | MAINT CONTRACT / DIGITAL | 341.89 |
| POLICE | ARCH WIRELESS | PAGER LEASE | 372.29 |
| POLICE | STREICHER'S | GUN CLIPS | 44.68 |
| POLICE | TOP DOG INC. | ANIMAL CONTROL | 1,350.00 |
| POLICE | UNIFORMS UNLIMITED | HICKS UNIFORMS | 181.52 |
| POLICE | UNIFORMS UNLIMITED | SCHARFE UNIFORMS | 112.76 |
| | Total for Department 201 | | 3,805.91* |
| BUILDING AND INSPECT | CITY OF HASTINGS | REPLENISH PETTY CASH | 24.00 |
| BUILDING AND INSPECT | GENZ RYAN | REFUND PERMIT MC2003-73 | 60.40 |
| BUILDING AND INSPECT | HASTINGS TIRE & AUTO | REPAIR UNIT 806/ TIRES/ | 333.05 |
| BUILDING AND INSPECT | LANGER RONALD | ICBO BLDG INSPECTORS CER | 195.00 |
| BUILDING AND INSPECT | MCES | MARCH SAC CHARGES | 40,392.00 |
| | Total for Department 230 | | 41,004.45* |
| PUBLIC WORKS | BOYER FORD TRUCKS | BRAKE DRUMS / SHOE | 452.40 |
| PUBLIC WORKS | BOYER FORD TRUCKS | CORE RETURNS | -66.46 |
| PUBLIC WORKS | BOYER FORD TRUCKS | GASKET | 2.22 |
| PUBLIC WORKS | BOYER FORD TRUCKS | GASKET / SEAL | 13.76 |
| PUBLIC WORKS | BOYER FORD TRUCKS | PLUGS | 8.05 |
| PUBLIC WORKS | BOYER FORD TRUCKS | RELINED BRAKES | 53.65 |
| PUBLIC WORKS | BOYER FORD TRUCKS | TPNA | 21.89 |
| PUBLIC WORKS | BOYER FORD TRUCKS | TUBE ASSEMBLY | 38.82 |
| PUBLIC WORKS | DAKOTA ELECTRIC ASSN | MAR ELECTRICITY | 1,132.31 |
| PUBLIC WORKS | FARMERS UNION CO-OP | OIL / DRUMS/ ANTIFREEZE | 1,072.38 |
| PUBLIC WORKS | GOPHER BEARING CO | FLANGE BEARINGS | 182.73 |
| PUBLIC WORKS | KREMER SPRING & ALIG | PINS / LABOR | 338.01 |
| PUBLIC WORKS | RADKE ELECTRIC | REPLACE OVERHEAD LAMP | 125.00 |
| PUBLIC WORKS | ZARNOTH BRUSH WORKS, | GUTTER BROOMS | 216.73 |
| | Total for Department 300 | | 3,591.49* |
| PARKS AND RECREATION | FIRST NAT'L BANK | MAY LOAN | 1,527.35 |
| | Total for Department 401 | | 1,527.35* |
| | Total for Fund 101 | | 58,156.19* |
| PARKS AND RECREATION | CERNOHOUS, JAMES | SAFETY BOOTS | 150.00 |
| PARKS AND RECREATION | GERRY'S FIRE PROTECT | FIRE EXTINGUISHER INSPEC | 323.59 |
| PARKS AND RECREATION | TOWER CLEANING SYSTE | APR SERVICES | 500.55 |
| PARKS AND RECREATION | UNITED BUILDING CENT | LUMBER | 670.87 |
| PARKS AND RECREATION | ZEROFLEX INC | PICNIC TABLE REPLACEMENT | 2,989.38 |
| | Total for Department 401 | | 4,634.39* |
| | Total for Fund 200 | | 4,634.39* |
| PARKS AND RECREATION | ELECTRO WATCHMAN, | IN QUARTERLY CHARGE | 79.88 |
| PARKS AND RECREATION | JOHNSON, DARBIE A.D | EXPENSE REIMBURSEMENT | 543.00 |
| | Total for Department 401 | | 622.88* |

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

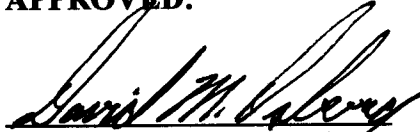
| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|------------|
| ----- | | | |
| | | Total for Fund 201 | 622.88* |
| HERITAGE PRESERVATIO | CITY OF HASTINGS | REPLENISH PETTY CASH | 41.90 |
| | | Total for Department 170 | 41.90* |
| | | Total for Fund 210 | 41.90* |
| | REGINA MEDICAL CENTE | APR WELLNESS | 270.00 |
| | | Total for Department 000 | 270.00* |
| FIRE | ALEX AIR APPARATUS I | PERSONAL PROTECTIVE WEAR | 7,010.60 |
| FIRE | AMERIPRIDE LINEN & A | LINEN SERVICE | 26.63 |
| FIRE | AMOCO OIL CO | FUEL CHARGE | 22.22 |
| FIRE | ANCOM COMMUNICATIONS | RADIO REPAIR | 257.72 |
| FIRE | GREEN, THOMAS D | PARTS / APPLIANCES | 582.51 |
| FIRE | GERRY'S FIRE PROTECT | EXTINGUISHER SERVICE | 155.44 |
| FIRE | MN CHAPTER IAAI | MEMBERSHIP RENEWAL/ HOLM | 50.00 |
| FIRE | MN FIRE SERVICE CERT | 28 RECERTIFICATION FEES | 420.00 |
| FIRE | MOTOR PARTS SERVICE | AIR FILTER | 5.92 |
| FIRE | MOTOR PARTS SERVICE | BATTERY | 42.55 |
| FIRE | MOTOR PARTS SERVICE | OIL FILTER | 7.18 |
| FIRE | SCHOEPPNER, DALE | FIRE SCHOOL DULUTH | 125.28 |
| FIRE | SCHUTT, MIKE | EXPENSE REIMBURSEMENT | 195.90 |
| FIRE | SOUTH EAST TOWING IN | TOW 1463 | 266.25 |
| FIRE | TERRY'S ACE HARDWARE | FILTER | 6.91 |
| FIRE | TERRY'S ACE HARDWARE | PARTS | 135.45 |
| FIRE | TERRY'S ACE HARDWARE | SHIPPING | 18.44 |
| FIRE | VERIZON WIRELESS, BE | CELL PHONE CHARGES | 117.19 |
| | | Total for Department 210 | 9,446.19* |
| AMBULANCE | BLUE CROSS & BLUE SH | REFUND OVERPAY/ JURDIS S | 72.77 |
| AMBULANCE | LAB SAFETY SUPPLY CO | 3M RESP | 97.62 |
| AMBULANCE | MCMAMARA MARGARET | REFUND OVERPAY / 2002165 | 25.79 |
| AMBULANCE | MEDICA CHOICE | REFUND OVERPAY / NILS S | 43.42 |
| AMBULANCE | PRAXAIR DISTRIBUTION | OXYGEN | 146.08 |
| AMBULANCE | SOCIETY INSURANCE | REFUND OVERPAY/ PATRICK | 1,026.58 |
| | | Total for Department 220 | 1,412.26* |
| | | Total for Fund 213 | 11,128.45* |
| PARKS AND RECREATION | BARR ENGINEERING CO. | ENGINEER SERVICES | 1,109.50 |
| | | Total for Department 401 | 1,109.50* |
| | | Total for Fund 401 | 1,109.50* |
| HOUSING AND REDEVELO | DAKOTA COUNTY TREAS- | TAX INCREMENT FINANCING | 3,690.00 |
| | | Total for Department 500 | 3,690.00* |
| | | Total for Fund 402 | 3,690.00* |

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report


| Department | Vendor Name | Description | Amount |
|----------------------|----------------------|--------------------------|------------|
| PUBLIC WORKS | GARTNER REFRIGERATIO | FINAL PAYMENT 1997 REFRI | 5,775.35 |
| | | Total for Department 300 | 5,775.35* |
| | | Total for Fund 460 | 5,775.35* |
| PUBLIC WORKS | DAKOTA ELECTRIC ASSN | MAR ELECTRICITY | 122.56 |
| PUBLIC WORKS | FARMERS UNION CO-OP | LUBE / DRUM CREDIT | 14.15 |
| PUBLIC WORKS | GERRY'S FIRE PROTECT | INSPECTIONS/ CERTIFICATI | 376.85 |
| PUBLIC WORKS | GOPHER STATE ONE-CAL | LOCATES | 88.35 |
| PUBLIC WORKS | GRAPHIC DESIGN | ENVELOPES | 381.27 |
| PUBLIC WORKS | GRAPHIC DESIGN | INSERT BILLING | 276.21 |
| PUBLIC WORKS | LASERSHARP, INC. | TONERS | 200.22 |
| PUBLIC WORKS | REGINA MEDICAL CENTE | APR WELLNESS | 40.00 |
| PUBLIC WORKS | UNIVERSITY OF MINNES | MPWA CONFERENCE | 150.00 |
| | | Total for Department 300 | 1,649.61* |
| | | Total for Fund 600 | 1,649.61* |
| PUBLIC WORKS | DAKOTA ELECTRIC ASSN | MAR ELECTRICITY | 40.16 |
| PUBLIC WORKS | MACQUEEN EQUIPMENT, | SHOE / WEAR BLOCK/ BUSHI | 165.13 |
| PUBLIC WORKS | REGINA MEDICAL CENTE | APR WELLNESS | 10.00 |
| | | Total for Department 300 | 215.29* |
| | | Total for Fund 601 | 215.29* |
| CITY CLERK | BOYER FORD TRUCKS | BRAKE KIT RETURN | -159.75 |
| | | Total for Department 107 | -159.75* |
| | | Total for Fund 610 | -159.75* |
| PARKS AND RECREATION | REGINA MEDICAL CENTE | APR WELLNESS | 30.00 |
| | | Total for Department 401 | 30.00* |
| | | Total for Fund 615 | 30.00* |
| PUBLIC WORKS | COUNTRY INN & SUITES | LODGING / ALTENHOFEN | 360.40 |
| PUBLIC WORKS | COUNTRY INN & SUITES | LODGING / HARRIS | 216.24 |
| | | Total for Department 300 | 576.64* |
| | | Total for Fund 620 | 576.64* |
| | | Grand Total | 87,470.45* |

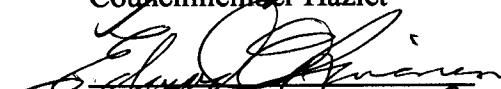
April 21, 2003

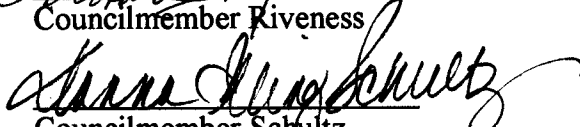
APPROVED:

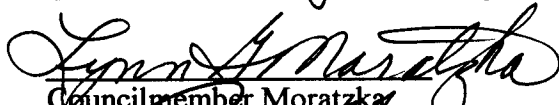

City Administrator

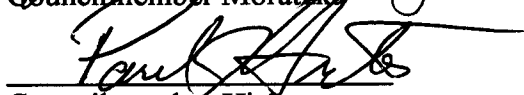

Finance Director

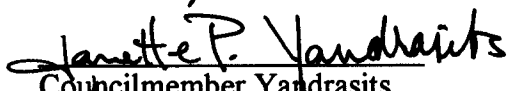

Councilmember Hazlet



Councilmember Riveness


Councilmember Schultz


Councilmember Moratzka


Councilmember Hicks


Councilmember Yandrasits


Mayor Werner

MEMORANDUM

TO: Mayor Werner and City of Hastings Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: April 16, 2003
RE: Massage Therapist License

Council Approval Requested:

Approval of a Massage Therapist License for Rachel Read to operate at Hastings Family Chiropractic, 1266 North Frontage Road.

Background Information:

Rachel Read has made application for a massage therapist license, to be operated out of Hastings Family Chiropractic. All application materials have been submitted and a background check is being conducted by the Hastings Police Department. Hastings Family Chiropractic will also need to apply for a massage establishment license.

This approval will be contingent upon the successful completion of an inspection by the Fire Marshal, which is required by City Code. If approved, the license will be in effect through December 31, 2003.

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

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 04-__-03

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HASTINGS
APPROVING MASSAGE LICENSE FOR
RACHEL READ**

WHEREAS, Rachel Read has made application for a massage therapy license ; and

WHEREAS, Ms. Read proposes to work at Hastings Family Chiropractic at 1266 North Frontage Road, Hastings; and

WHEREAS, Ms. Read has successfully completed the required background investigation.

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 a license authorizing Rachel Read to operate as a licensed massage therapist for the period of April 22—December 31, 2003, upon successful inspection by the Fir Marshal and payment of all applicable fees, unless revoked by the City Council.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 21st DAY OF APRIL, 2003.

Ayes:
Nays:
Absent:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

MEMORANDUM

TO: Mayor Werner and City of Hastings Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: April 16, 2003
RE: Massage Therapist License

Council Approval Requested:

Approval of a Massage Therapist License for Suzanne Dillon to operate as a massage therapist at The Massage Therapy Studio, 1348 West 17th Street.

Background Information:

Suzanne Dillon has made application for a massage therapist license, to be operated out of The Massage Therapy Studio. All application materials have been submitted and a background check is being conducted by the Hastings Police Department.

This approval will be contingent upon the successful completion of an inspection by the Fire Marshal, which is required by City Code. If approved, the license will be in effect through December 31, 2003.

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

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 04-__-03

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HASTINGS
APPROVING MASSAGE LICENSE FOR
SUZANNE DILLON**

WHEREAS, Suzanne Dillon has made application for a massage therapy license ;
and

WHEREAS, Ms. Dillon proposes to work at The Massage Therapy Studio, located at
1348 West 17th Street, Hastings; and

WHEREAS, Ms. Dillon has successfully completed the required background
investigation.

**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 a license authorizing
Suzanne Dillon to operate as a licensed massage therapist for the period of April 22—
December 31, 2003, upon successful inspection by the Fir Marshal and payment of all
applicable fees, unless revoked by the City Council.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 21st DAY OF
APRIL, 2003.**

Ayes:
Nays:
Absent:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

MEMORANDUM

TO: Mayor Werner and City of Hastings Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: April 16, 2003
RE: Massage Therapist License Renewal

Council Approval Requested:

Approval of a Massage Therapist Licenses renewal for Dianne Witte.

Background Information:

Dianne Witte has made application for a massage therapist license renewal. All application materials have been submitted and a background check is currently being conducted by the Hastings Police Department. This approval will be contingent upon the successful completion of an inspection by the Fire Marshall, which is required by City Code. Ms. Witte was first approved for a massage therapy license in May, 2002.

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

MEMORANDUM

VI-5

To: Mayor Werner and City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Approval of Tobacco License for the Hastings Veterans Home

Recommended City Council Action:

Approve a tobacco license for Hastings Veterans Home.

Background:

During a recent audit, it was discovered that the Veterans Home was selling tobacco without a permit. Staff contacted the Vets Home and informed them of the licensing requirements. The Veterans Home has made application to sell tobacco, through the current license year of December 31, 2003. At time of renewal, they will need to reapply for a tobacco license.

If you have any questions, please let me know.

Attachments:

None—application materials on file.

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 15, 2003
Re: Revisions to Public Works Garage Usage Policy

Council is requested to adopt the enclosed revised policy on personal use of the Public Works Garage. Council adopted the original policy in November of 1995. The proposed revisions to the policy include permitting TRAC drivers to use the facility and to limit the hours the facility may be used.



CITY OF HASTINGS

POLICY ON PERSONAL USE OF PUBLIC WORKS GARAGE

1. Personal use of the Public Works Garage is limited to Public Works and TRAC employees only. Family members or friends are not permitted in the facility.
2. Public Works and TRAC employees must sign a hold harmless agreement and return it to their supervisor before they will be permitted to bring personal vehicles into the garage.
3. Personal use of the Public Works Garage is only permitted between the hours of 3:00 PM to 8:00 PM Monday through Friday, and 7:00 AM to 6:00 PM Saturdays, Sundays and holidays.
4. Personal use of the Public Works Garage is limited to the large drive through garage area on the southwest side of the facility.
5. Employees using the garage for personal use must clean up after themselves and must alarm the security system when leaving after hours. In order to prevent false alarms, employees shall check the building for other employees prior to arming the security system.
5. Personal use of the Public Works Garage is limited to washing or performing minor maintenance on the personal vehicle the employee routinely drives to work, or parking personal vehicles inside during snow events.
6. Washing of personal vehicles inside the garage is limited to the wash bay area only. Employees may wash their vehicle before work, after work, during lunch break, or on weekends. Employees may not wash their vehicles during their coffee break time.
7. Employees may perform minor maintenance on their personal vehicles only after work or on weekends during the above specified hours. Employees may not perform minor maintenance before work, during coffee break, or during lunch break. Under no conditions will use of the lifts in the maintenance garage be permitted for personal use.
8. Employees may park their personal vehicles inside the garage during snow removal or sanding operations. The personal vehicles cannot block the center aisle or otherwise disrupt operations. No City equipment will be parked outside to make room for personal vehicles. Keys must be left in the personal vehicle's ignition. Employees may park their personal vehicles in the garage during times other than snow events with their supervisor's approval, provided there is an open parking spot.
9. Employees may use outside electrical outlets to plug in engine heaters in their personal vehicles. These vehicles may only be parked in the patio area parking stalls.
10. Public Works supervisors are responsible for the operations, maintenance and security of the Public Works Garage, and as such, may direct any employee using the garage for personal use. Violation of this policy may result in employee's loss of garage privileges and disciplinary action taken against the violating employee.

November 22, 1995

Revised April 21, 2003 TMM

C:\Documents and Settings\TMontgomery\My Documents\Word Docs\STAFF\Policy on Personal Use of Public Works Garage-Approved.doc

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 16, 2003
Re: Resolution-Accepting Feasibility Report and Ordering Public Hearing for the Riverwood and South Oaks Developments Improvements

The feasibility report for the Riverwood and South Oaks developments' street and utility improvements will be handed out to the Council at the April 21st Council meeting. This improvement project also includes construction of 36th St. between the Century South development and the Riverwood 7th Addition and construction of 31st St. connecting Riverwood 7th Addition and South Oaks 2nd Addition. A drawing illustrating these improvements is enclosed. The following is a brief description of the proposed improvements:

31ST STREET

31st St. is a State Aid route and will be constructed to a 44 ft. width from CSAH 46 to Century Dr., and 38 ft. width from Century Dr. to the end of the existing street just west of Highview Knoll. Sidewalk will be constructed on the north and east sides of the road, and a 10 ft. wide bituminous trail will be constructed on the south and west sides of the road from CSAH 46 to Olson Drive, at which point an off road trail will be constructed to the north to connect to the existing Vermillion River trail. An existing Century South trail extends south from this point. The cost of the northern trail will be shared by the South Oaks development for that portion within the development, and the City for that portion within the floodway property.

36TH STREET

36th St. is also a State Aid route and will be constructed to a 44 ft. width connecting the existing east end of the street in the Century South Development to extensions of Riverwood Dr. and Village Trail. Sidewalk and bituminous trail will be constructed on either side of the street. A trail connection is proposed to run south from 36th St. through City property to connect to the existing Century South trail at the northwest corner of the development. The cost of this trail connection is proposed to be assessed to the City property.

SOUTH OAKS 2ND ADDITION

In addition to constructing that part of 31st St. within the proposed plat, the improvements would include extension of Bohlken Dr. west and south to connect to 31st St. and extending Century Dr. north to connect to 31st Street.

M:\CONSTRUCTION_PROJECTS\2003\Feasibility\Report\2003HEARES.rtf



CITY OF HASTINGS

RIVERWOOD 7TH ADDITION

In addition to constructing 31st St. and 36th St. within the plat, the improvements include extending Village Trail and Riverwood Dr. to connect to 36th Street, and new streets Vista Trail and Village Way.

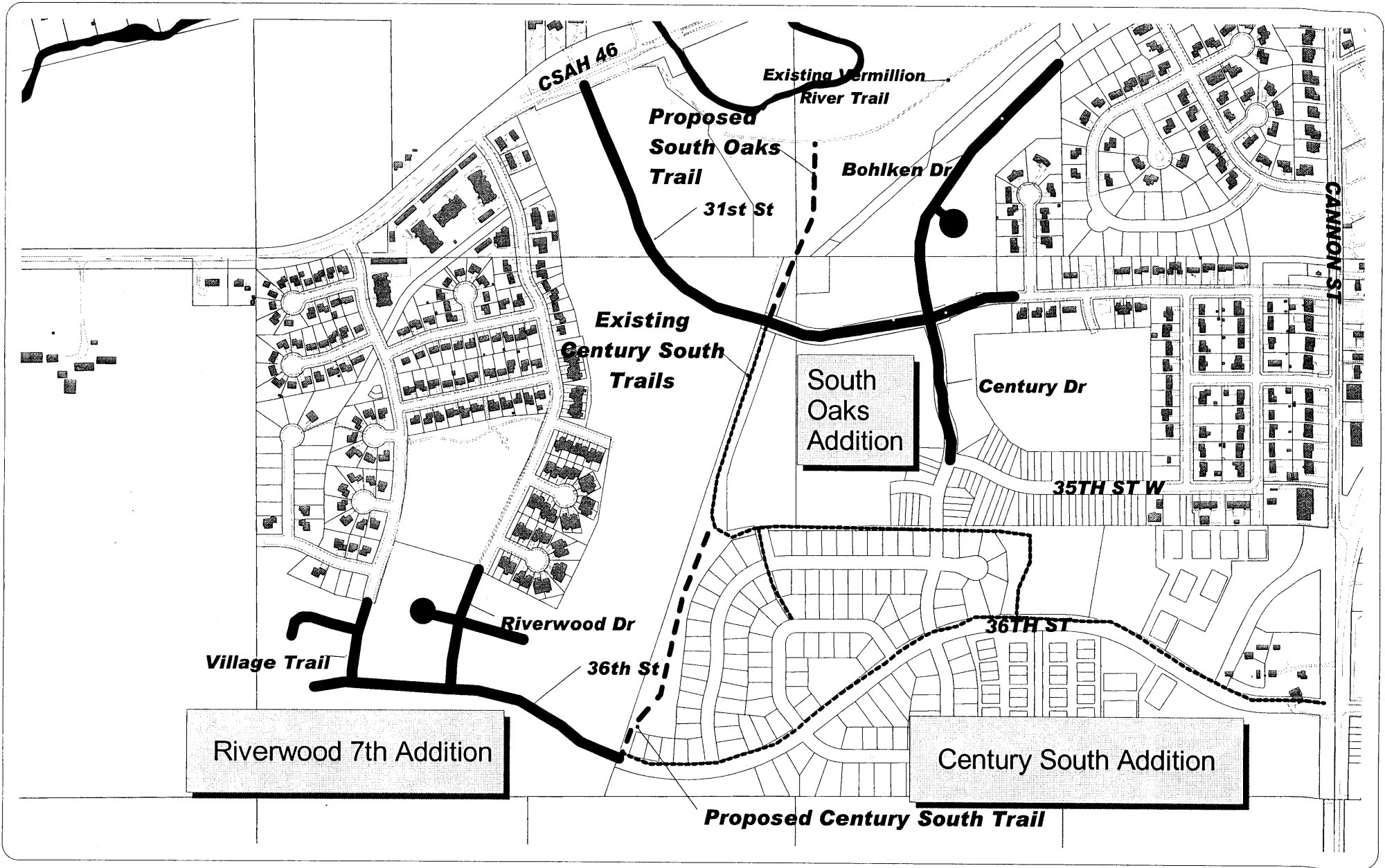
BOX CULVERTS

36th St. crosses a major drainage way that requires the installation of two very large, very expensive, box culverts. As per the Century South development agreement, Lyman Development paid the City \$100,000 two years ago to cover 50% of the estimated cost of the box culverts. The Riverwood 7th development agreement calls for 50% of the box culvert cost to be assessed against the development. The estimated project cost of the 36th St. box culvert is \$245,269.20, which means as per development agreements, the full \$100,000 paid by Lyman Development two years ago would be expended, and the Riverwood development would be assessed \$122,634.60. Staff is proposing to fund the remaining \$22,634.60 cost through the use of Municipal State Aid funds.

31st St. crosses the same major drainage way and requires similar large and expensive box culverts. The Century South development agreement required Lyman Development to pay the City \$10,000 two years ago to cover 5% of the estimated cost of the box culverts. The South Oaks development agreement requires the developer to be assessed for 40% of the box culvert costs, while the Riverwood development agreement requires the developer to pay for 50% of the box culvert costs. The estimated project cost of the 31st St. box culvert is \$267,505.92, which means as per development agreements, the full \$10,000 paid by Lyman Development two years ago would be expended, the South Oaks development would be assessed \$107,002.37, and the Riverwood development would be assessed \$133,752.96. Staff is proposing to fund the remaining \$16,750.59 cost through the use of Municipal State Aid funds.

Council Action Requested

Council is requested to adopt the enclosed resolution accepting the Riverwood and South Oaks developments feasibility study and ordering a public hearing for May 5th.



300 0 300 600 Feet

Proposed 2003 Construction
Riverwood 7th Addition
South Oaks 2nd Addition
Century South 5th Addition



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No. _____

**RESOLUTION RECEIVING REPORTS AND CALLING HEARING ON
2003 RIVERWOOD AND SOUTH OAKS DEVELOPMENTS
STREET AND UTILITY IMPROVEMENTS**

WHEREAS, pursuant to resolutions of the City Council dated December 16th, 2002, a report has been prepared by the Public Works Director with reference to the "2003 Riverwood and South Oaks Street and Utility Improvement Program" that includes the petitioned improvements for the Riverwood 7th Addition and South Oaks 2nd Addition along with the City initiated 36th St. connection between Riverwood 7th Addition and the Century South development and the City initiated 31st St. connection between Riverwood 7th Addition and South Oaks 2nd Addition, and said report was received by the City Council of Hastings, Minnesota.

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

1. The City Council will consider the improvements in accordance with the report and assess the abutting property, and assess benefits for all or a portion of the cost of the improvements pursuant to Chapter 429 of the Minnesota Statutes at an estimated cost of the improvements of \$4,235,102.00
2. A public hearing will be held on such improvements at 7:00 PM, Monday, May 5, 2003 at City Hall at 101 E. 4th Street, and the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 5th DAY OF MAY, 2003.

Ayes:

Nays:

ATTEST:

Melanie Mesko Lee, City Clerk

Michael D. Werner, Mayor

SEAL

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 15, 2003
Re: Approve Temporary Construction Easement with Dakota County for General Sieben Dr. Landscaping

Council is requested to approve the enclosed temporary construction easement that is being requested of Dakota County for the purpose of entrance improvements, landscaping and planting trees along General Sieben Dr. adjacent to the Dakota County Government Center as part of the General Sieben Dr. widening and reconstruction improvements.



TEMPORARY CONSTRUCTION EASEMENT

FOR VALUABLE CONSIDERATION, DAKOTA COUNTY, MINNESOTA, a political subdivision of the State of Minnesota, ("Grantor"), hereby conveys to the CITY OF HASTINGS, a Minnesota municipal corporation ("Grantee"), a temporary construction easement over, under and across the following described property in Dakota County, Minnesota:

An area 75 feet in width lying directly east of and adjacent to Parcel 1, CITY OF HASTINGS ROAD RIGHT-OF-WAY MAP NO 3 and South of a line drawn parallel to and 150 feet North of the northerly right-of-way line of State Highway No. 55 as depicted on MNDOT RIGHT OF WAY PLAT NO. 19-86 as shown on said CITY OF HASTINGS ROAD RIGHT-OF-WAY MAP NO. 3, said plat maps of record in Dakota County, Minnesota.

1. Grant of Temporary Construction Easement. The temporary construction easement shall begin on September 1, 2002, and terminate on September 1, 2004, or earlier upon completion of the re-construction of General Sieben Drive and related traffic signal improvements at the intersection of General Sieben Drive and Minnesota Trunk Highway 55 in Hastings, Minnesota. This temporary construction easement is granted for the purpose of installing new curb and gutter, bituminous street surface, construction modifications to the southerly entry to the Dakota County Hastings Campus parking lot, traffic signals at the intersection identified above and to allow staging for construction equipment adjacent to General Sieben Drive. Within this temporary construction easement and subject to the conditions herein, Grantee shall have the right to remove all structures, trees, shrubs, grass and herbage and other obstructions interfering with the re-construction of General Sieben Drive or related traffic signals within the easement area.

2. Maintenance and Restoration. The Grantee shall replace all of Grantor's existing underground utility lines within the Temporary Easement Area at the Grantee's sole expense. After completion of any construction, maintenance, repair or removal permitted herein or after exercise of any rights granted herein, the Grantee shall restore the premises subject to this easement to the

condition in which it was found prior to the commencement of such actions, including the restoration of all vegetation with similar vegetative materials and shall remove from the premises all debris, spoils and equipment resulting from or used in connection with said construction.

3. Tree Planting. In addition to the grant of an easement for street and signal construction, Grantee shall also have the right to be on Grantor's property for the purpose of planting or relocating eleven (11) trees on the east side of General Sieben Drive. To accomplish the tree planting, Grantee has permission to work on Grantor's property within that area thirty (30) feet east of and adjacent to the trail on the east side of General Sieben Drive. The trees will be planted in areas which will not interfere with the expansion of the parking lot under construction in spring/summer for 2003.

Grantee will guarantee the trees for one (1) year from planting and will maintain and replace any trees which die within one (1) year of planting.

4. Covenants. The Grantee covenants it will not change the grade or height of the Temporary Easement Area. The Grantee may change the surface of the Temporary Easement Area, but only as required to provide an appropriate transition to General Sieben Drive, so long as the same is acceptable to the Grantor, in Grantor's sole discretion. The Grantee covenants not to construct or permit any signage, buildings, structures, or other improvements with the Temporary Easement Area not directly related to right-of-way purposes.

5. Indemnification. Grantee will indemnify and hold harmless Grantor from all claims, damages, liabilities, penalties, fines, costs, causes of action and loss arising as a result of (i) the Grantee's Temporary Construction Easement and (ii) use of the Temporary Construction Easement Area by Grantee, its employees, guests, invitees, contractors, tenants, occupants and/or any user of this easement. The foregoing indemnification shall include, without limitation, any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any

hazardous substances, pollutants or contaminants on the Temporary Easement Area, including without limitation damages caused by migration of said hazardous substances, pollutants or contaminants onto other property owned by Grantor.

6. Miscellaneous. This instrument and the covenants and agreements contained herein are binding upon the Grantor, Grantee and their successors and assigns. It is mutually understood and agreed that this instrument covers all the agreements and stipulations between the parties and that no representation or statements, verbal or written, have been made modifying, adding to or changing the terms hereof. The provisions of this easement shall be deemed independent and severable and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision or any portion thereof.

7. Enforcement. Grantee and Grantor shall have the right to enforce any and all provisions of this easement. Such right of enforcement shall include actions for injunctive relief against the breach of any provision of this easement as well as actions to recover damages caused by any such breach. The failure to enforce any provision of this easement, at any time, shall not constitute a waiver of the right to thereafter enforce any such provision or any other provision of this Agreement.

Grantor, for itself, its successors and assigns, covenants with the City, its successors and assigns, that it is the owner of this Temporary Construction Easement Area and has the sole right to grant and convey this Temporary Construction Easement to the City.

Approved as to form:

DAKOTA COUNTY, MINNESOTA

Assistant County Attorney/Date

By: _____
Brandt Richardson
County Administrator

Approved by Dakota County
Board Resolution 02-467

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 17, 2003
Re: Authorize Purchase of Street Department Pickups and Declare 1993 Dodge ½ ton Pickup Excess.

Council is requested to authorize the purchase of two pickup trucks for the Street Department that were included in the 2003 budget. Staff is proposing to replace a 1993 Dodge ½ pickup with a ¾ ton standard cab long bed truck, including tow package and a power lift gate at a cost of \$17,800 plus license, tax and fees. The truck price is from the State bid. The 2003 budget estimate for this truck was \$31,000.

Staff is also proposing to replace a 1994 Chevrolet ½ ton pickup with a ½ ton 4x4 extended cab pickup at a cost of \$18,100 plus license, tax and fees. Again, this truck price is from the State bid. The 2003 budget estimate for this truck was \$28,000.

Council is also requested to declare the 1993 Dodge ½ ton pickup truck as excess so that it can be advertised for sale. The City is unable to trade in vehicles under this State bid. The 1994 ½ Chevrolet pickup truck is proposed to be used by the Engineering Department as an inspector's vehicle, eliminating the need to replace the Jeep Cherokee whose lease expired earlier this year.



PICKUP TRUCK SPECIFICATION

(Group 03-12)

430099

4X4, Extended Cab, Short Box Pickup, (6400 GVWR Minimum) 1/2 ton

Make and Model Name..... Dodge RAM 1500

4 Cab Doors..... 4 Cab Doors

GVWR: (6400 Minimum)..... 6650 #

Engine Size: (5.3L Minimum)..... 5.9L V8

Limited Slip Rear Differential To Meet 13000 GCWR..... Ratio 3.92

Standard Upholstery (Vinyl or Cloth)..... Vinyl + \$110 for cloth

All Terrain or OOR Tires with Matching Spare (Size & Type)..... P265/70R17 OOR SBR BSW

Fuel Capacity, (25 Gallon Minimum)..... 26

Engine Block Heater, Chrome Front and Rear Bumpers

Automatic Transmission, Air Conditioning, AM/FM Radio

Rear Bench Seat

Skid Plates, Automatic Locking Front Hubs

Price for One (1) Unit per the above Specification.....\$ 17,997.00

EPA Rated Miles Per Gallon:N/A City, N/A Highway

Delivery Charge from Vendor to Delivery Location (Per Mile).....\$ 0.90

Any Changes (Adds or Deletes) Shall Be Priced at Manufacturer-to-Dealer Invoice Pricing.

E85 Flex Fuel Engine Option: (Size and Price)..... N/A L \$ N/A

List all Components That Contain Mercury: None

Vendor: Nelson Dodge-GMC

Contact Person Gerry Worner

Phone 218-739-2283 ext.123

Toll Free 800-726-7564

Fax # 218-736-7432

PICKUP TRUCK SPECIFICATION

7

(Group 03-02)

430106

4X2, Standard Cab, long Box Pickup, (8500 GVWR Minimum) 3/4 ton

Make and Model Name..... Chevrolet Silverado 2500

GVWR: (8500 Minimum)..... 8600 lbs

Engine Size: (5.4L Minimum)..... 6.0 L V8

Limited Slip Rear Differential To Meet 13000 GCWR.....Ratio 3.73

Standard Upholstery (Vinyl or Cloth)..... Vinyl

Standard Tires with Matching Spare (Size & Type)..... LT245/75R 16 ALS BSW

Fuel Capacity, (25 Gallon Minimum)..... 34

Engine Block Heater

Chrome Front and Rear Bumpers

Automatic Transmission

Air Conditioning

AM/FM Radio

Price for One (1) Unit per the above Specification.....\$ 15,379

EPA Rated Miles Per Gallon: N/A City, N/A Highway

Delivery Charge from Vendor to Delivery Location (Per Mile).....\$ 0.50

Any Changes (Adds or Deletes) Shall Be Priced at Manufacturer-to-Dealer Invoice Pricing.

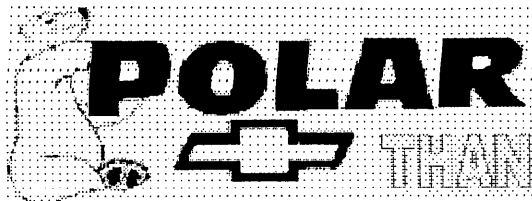
E85 Flex Fuel Engine Option: (Size and Price)..... L \$ N/A

List All Items Containing Mercury NONE

Thane Hawkins

Vendor: Polar Chevrolet Contact Person Dave Thomas

Phone (612) 750-1275 Toll Free (888)270-9555 Fax # (651)653-5511



THANE HAWKINS POLAR CHEVROLET

1801 E. County Rd. F, White Bear Lake, MN 55110 (651) 429-7791

Phone: 612.750.1275

Fax: 651.653.5511

Toll-Free: 888.270.9555

April 16, 2003

City of Hastings
150 East 3rd Street
Hastings, MN 55033
Attn: Mark Schutt

Regarding State of Minnesota Contract 430106 award for pickups Group 03-13 Chevrolet Silverado 2500 extended cab 4x4 pickup; Group 03-08 1500 regular cab 4x4 and Group 03-02 2500 4x2: we have itemized below the revisions you have requested:

| | |
|---|--------------------|
| <u>Base group 03-13 (ext. 2500 4X4)</u> | \$19,999.00 |
| Trailer tow package | 184.90 |
| Victory red exterior | N/C |
| Cloth seat trim | N/C |
| 3.73 to 1.00 axle ratio | N/C |
| TOTAL | \$20,183.90 |

| | |
|---|--------------------|
| <u>Base group 03-08 (reg. 1500 4x4)</u> | \$16,397.00 |
| Deduct to 4x2 | -(2,468.00) |
| Victory red exterior | N/C |
| Cloth seat trim | N/C |
| Trailer tow package | 266.60 |
| TOTAL | \$14,225.60 |

3/4 ton =>

| | |
|---|--------------------|
| <u>Base group 03-02 (reg. 2500 4X2)</u> | \$15,379.00 |
| Trailer tow package | 184.90 |
| Victory red exterior | N/C |
| Cloth seat trim | N/C |
| TOTAL | \$15,563.90 |

Also, note on your purchase order if you require cloth seats at no additional charge. If no reference is made, you will have *vinyl* seating.

Please note that General Motors will accept orders for these vehicles only until Friday April 25, 2003.

Specializing in State, county and local municipal sales

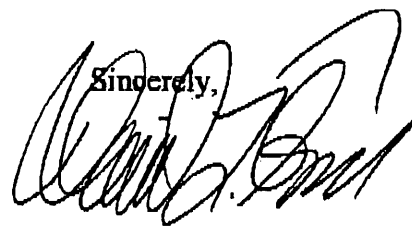
Cost of power windows and door locks for the 2500s' (Group 03-02 and 03-13) is \$2,157.62. The cost of power windows and door locks on the 1500 (Group 03-08) is \$2,517.73.

Delivery cost (if required) is \$24.00 per truck. The pickups should arrive here at the dealership approximately 90 days after receipt of order.

Should you decide to purchase from Thane Hawkins Polar Chevrolet, please include with your purchase documents the following items:

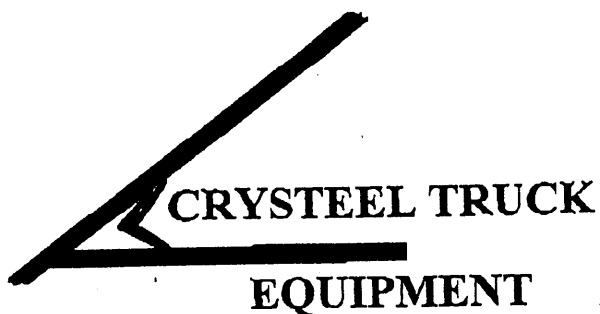
- 1) Current *vehicle* liability insurance company, and current policy number.
(LMCIT or MCIT or MSBA or St Paul Companies etc)
- 2) Your State Cooperative Purchase Venture membership number.

Thank you for your consideration.

Sincerely,


David L. Thomas
Fleet Sales Manager

Specializing in State, county and local municipal sales



1130 73RD AVENUE
 FRIDLEY, MN. 55432

763-571-1902
 800-795-1280
 FAX 763-571-5091

April 15, 2003

Mark Shutt
 CITY OF HASTINGS - STREET DEPT
 1221 PROGRESS DRIVE
 HASTINGS, MN 55033

Dear Mark:

REFERENCE: PICK-UP LIFTGATE

Pursuant to your request for quotation on the above referenced, we are pleased to submit the following for your consideration:

Tommy Gate Model G2-60-1340-TP27
 1300 Lbs Capacity
 40 inches of Travel
 55 inch by 27 inch Platform
 4 inch Ramp
 Treed Plate Platform
 Cable Lift

Installed \$2053.07

Eagle Lift Model Ed1-60
 1300 Lbs Capacity
 40 inches of Travel
 30 inch by 52-inch platform
 Smooth Steel Platform
 Direct Lift No Cables

Installed \$2145.00

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: Resolution – Hazardous Fence Permit #2003-32 – Hastings Wastewater Treatment Plant – 100 Lea Street – Metropolitan Council

REQUEST

Metropolitan Council seeks approval to erect a hazardous fence at the Hastings Wastewater Treatment Plant located at 100 Lea Street. Three strands of barbed wire would be added above an eight foot chain link fence with ~~slats~~ around the perimeter of the plant. The fence is being installed along with rolling entrance gates to better secure the facility. ****check to see if existing can be kept****. Chapter 10.05, Subd. 4b requires

BACKGROUND INFORMATION

Zoning Classification

The subject property is zoned C-3, Community Regional Commerce. Restaurants are identified as a permitted use. Hazardous fences, including barbed wire, are allowed by City Council Resolution in Commercially Zoned Districts as stipulated under Chapter 10.05, Subd. 4b of the City Code

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 | 1 st Street – Mississippi River | | |
| East | Lea Street | | |
| | Single Family Res. | R-2 – Med Dens. Res. | U-I–Low Dens |
| South | 2 nd Street | | |
| | Rivertown Fitness | C-3 – Comm Reg Comm | MXD–Mix Use |
| West | CP Railroad Tracks | | |
| | Vacant (HRA Land) | I-1 – Industrial | MXD–Mix Use |

Existing Condition

The existing site is surrounded by an 8 foot board on board fence with no gates or barbed wire.

RECOMMENDATION

Approval of the request is recommended. ****conditions****

ATTACHMENTS

- Resolution
- Location Map
- Site Plan

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A HAZARDOUS FENCE FOR THE HASTINGS WASTEWATER
TREATMENT PLANT – 100 LEA STREET**

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

WHEREAS, Metropolitan Council Environmental Services seeks approval to erect three strands of barbed wire on top of an eight foot fence around the perimeter of the Hastings Wastewater Treatment Plant located at 100 Lea Street, legally described as Blocks 106 and 107, TOWN OF HASTINGS BLOCKS 100 THRU 199, Dakota County, Minnesota, and zoned C-3, Community Regional Commerce on the Official City of Hastings Zoning Map; and

WHEREAS, Metropolitan Council desires to erect the fence in conjunction with additional fence and gate improvements to better secure the site; and

WHEREAS, Hastings City Code, Chapter 10.05, Subd. 4b states hazardous fences, including barbed wire fences are allowed with permission of the City Council by simple resolution in commercially zoned areas.

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

That the request to erect three strands of barbed wire fencing on top of an eight foot fence is hereby approved, subject to the following conditions:

- 1) Approval of a building permit for fence construction.
- 2) Approval is limited to the current use of the facility. Any change in the use of the facility as

a wastewater treatment plat shall render the approval null and void.

- 3) 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 it was unanimously adopted by all Council Members 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 21st day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko
Administrative Assistant/City Clerk

(SEAL)

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

SITE MAP

PROPERTY ID NUMBER: 19-32151-080-07

FEE OWNER: METRO WASTE CONTROL COMM
230 5TH ST E
SAINT PAUL MN 55101-1672

PAYABLE 2003 TAXES

NET TAX: 0.00
SPECIAL ASSESSMENTS: 0.00
TOTAL TAX & SA: 0.00

PAYABLE 2004 ASMNT USAGE: EXEMPT

2003 ESTIMATED MARKET VALUES (PAYABLE 2004)

LAND: 29,400
BUILDING: 29,400
TOTAL: 29,400

SCHOOL DISTRICT: 200
9,789 SQ FT
0.22 ACRES

LOCATION: NE1/4 NW1/4 SECTION 27-115-17

PAYABLE 2004 HOMESTEAD STATUS: NON HOMESTEAD

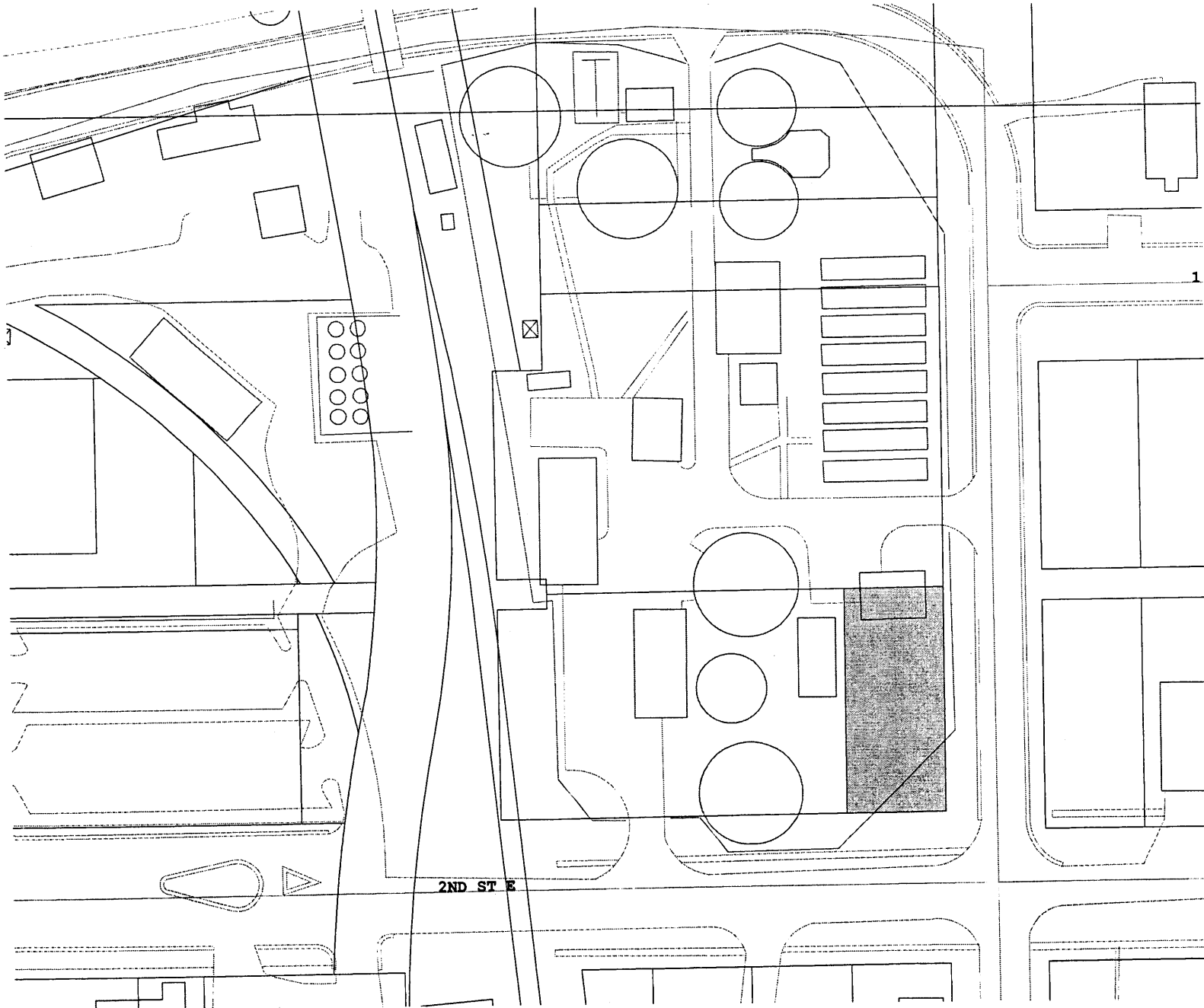
WATERSHED DISTRICT: VERMILLION RIVER

LAST QUALIFIED SALE:
DATE: AMOUNT:

2003 BUILDING INFORMATION (PAYABLE 2004):

NO DATA AVAILABLE

*Fence inside →
to existing →*



NOTE: Dimensions rounded to nearest foot.

Copyright 2003, Dakota County -

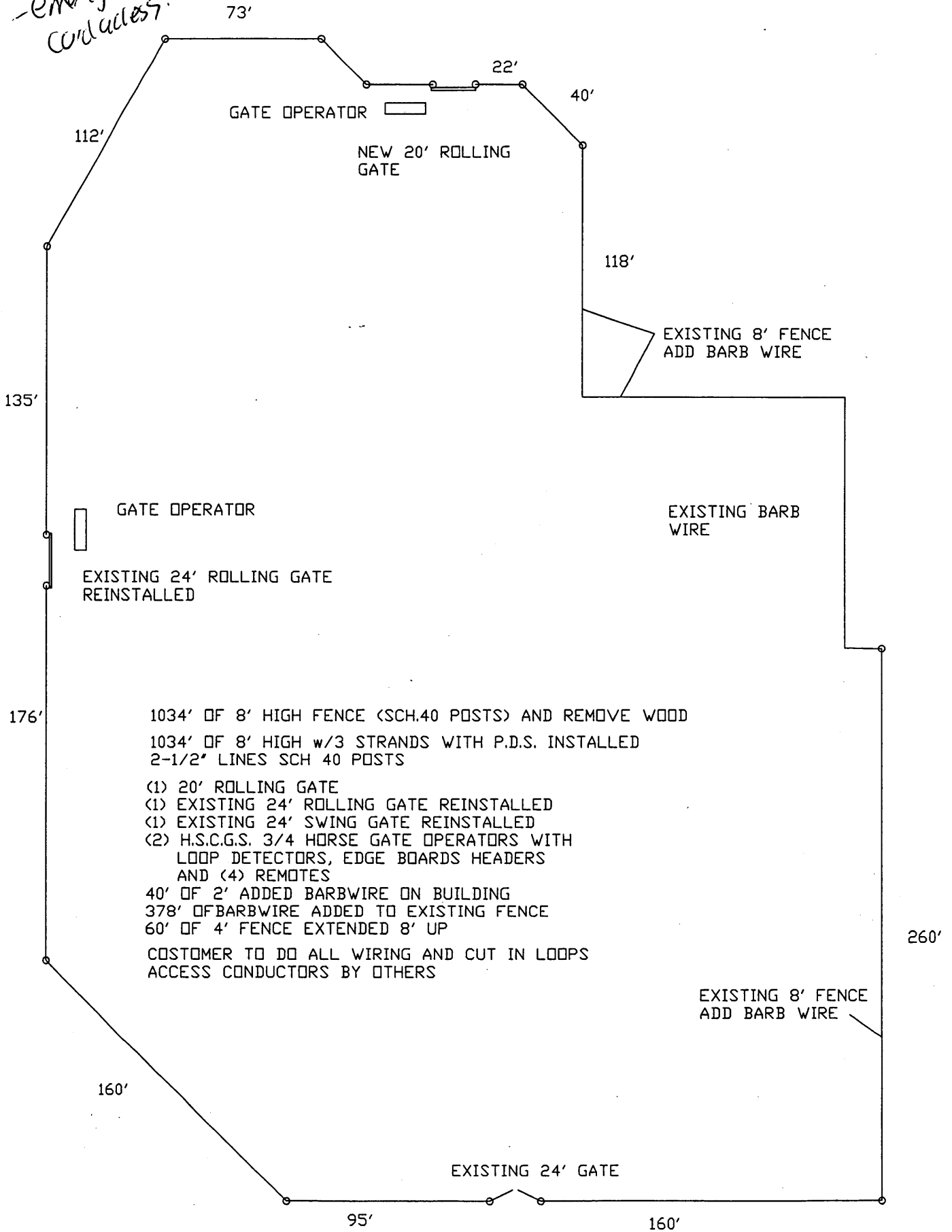
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Dakota County Survey and Land Information Department.

Map Date: April 11, 2003 Parcels Updated: 4/3/2003 Aerial Photography: 1991

PLAT NAME: TOWN OF HASTINGS BLKS 100 THRU 199
TAX DESCRIPTION: 8107



HPD
-emergency
conductors.



73'

22'

40'

GATE OPERATOR

NEW 20' ROLLING GATE

118'

EXISTING 8' FENCE
ADD BARB WIRE

135'

GATE OPERATOR

EXISTING BARB WIRE

EXISTING 24' ROLLING GATE REINSTALLED

176'

1034' OF 8' HIGH FENCE (SCH.40 POSTS) AND REMOVE WOOD
1034' OF 8' HIGH w/3 STRANDS WITH P.D.S. INSTALLED
2-1/2" LINES SCH 40 POSTS

- (1) 20' ROLLING GATE
- (1) EXISTING 24' ROLLING GATE REINSTALLED
- (1) EXISTING 24' SWING GATE REINSTALLED
- (2) H.S.C.G.S. 3/4 HORSE GATE OPERATORS WITH LOOP DETECTORS, EDGE BOARDS HEADERS AND (4) REMOTES

40' OF 2' ADDED BARBWIRE ON BUILDING
378' OF BARBWIRE ADDED TO EXISTING FENCE
60' OF 4' FENCE EXTENDED 8' UP

CUSTOMER TO DO ALL WIRING AND CUT IN LOOPS
ACCESS CONDUCTORS BY OTHERS

260'

EXISTING 8' FENCE
ADD BARB WIRE

160'

EXISTING 24' GATE

95'

160'

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: April 21, 2003

Subject: Lyman Development – Century South 5th Addition #2003-27 to plat 12 single-family lots and an outlot at the Century South Development.

REQUEST

Lyman Development seeks approval to plat 12 single-family homes and one outlot north of the intersection of Greten Lane and Olson Drive. This number and type of single family lots is consistent with the Preliminary Plat of Century South, however the alignment of Olson Drive has been slightly altered.

RECOMMENDATION

Approval of the request is recommended. The Final Plat is consistent with the approved Preliminary Plat.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The request is consistent with the 2020 Comprehensive Plan designation of U-II, Urban Residential (4-8 units/acre).

Zoning Classification

The property is zoned R-3, Medium High Density Residential. The proposed plat is consistent with the zoning district.

FINAL PLAT REVIEW

Lot Layout

The single-family lots are located on the west side of Olson Drive. The preliminary plat originally showed a couple of single-family home lots along the east side as well. However, due to the shape of the land in that area, the developer has been working with the adjacent property owner, Greg Jablonske, to ensure a logical lot layout in that area. Staff has been

informed that the land on the east side of Olson Drive will be combined with property that Mr. Jablonske owns and twinhomes placed in that area.

Grading, Drainage, and Erosion Control Plan

The Grading, Drainage, and Erosion Control plan has been forwarded to BDM Engineering for review and comment. Review comments must be adequately addressed before the plat is scheduled for final review by the City Council. Grading, Drainage, and Erosion Control plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Utilities

The Utility Plan has been forwarded to BDM Engineering for review and comment. Review comments must be adequately addressed before the plat is scheduled for final review by the City Council. Utility plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Public Land Dedication

Park dedication has been satisfied for this site.

Interceptor Sewer Fee

Per City Ordinance, a condition of this plat approval shall be that the applicant must pay interceptor sewer charges.

Landscape Plan

The landscape plan identifies boulevard tree plantings every 50 lineal feet along right-of-ways, and requires the planting of a front yard tree for every unit. The Plan was approved as part of Century South Preliminary Plat.

Homeowner Association\Covenants

A homeowner association and covenants must be established to ensure continued maintenance of all outlots, private streets and common areas.

Planning Commission Action

The Planning Commission voted at their April 14, 2003 meeting to recommend approval of the plat by a vote of 4-2. Commissioners Alongi and Truax dissented due to the fact that the connections for 31st Street and 36th Street have not yet started.

RECOMMENDED ACTION

Motion to recommend approval of the attached resolution.

Century South 5th Addition Final Plat to the City Council, with the following conditions:

1. The applicant shall be required to pay \$325.00 per unit interceptor sewer charges, prior to the city releasing the final plat hardshells. The interceptor sewer charge for this project totals \$3,900.00 for 12 units.
2. That the landscaping be planted according to the approved landscaping plan on file at City Hall.
3. Any Outlots shall be re-platted before they can be developed.
4. Establishment of a homeowners association to maintain all common open space areas. The homeowner's association documents shall be recorded as a part of the Final Plat.
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. Execution of a development agreement to memorialize the conditions of the plat and to establish any applicable escrow amounts to guarantee the completion of site plan activities prior to issuance of any building permits.
8. Any uncompleted site work (including landscaping) must be escrowed for prior to issuance of a certificate of occupancy.
9. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
10. The Final Plat shall be recorded with Dakota County within 90 days of approval by the City Council, or the approval is null and void.

ATTACHMENTS

- Location Map
- Final Plat
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE FINAL PLAT OF CENTURY SOUTH 5th ADDITION**

WHEREAS, Lyman Development Co. has requested approval for the final plat of CENTURY SOUTH 5TH ADDITION, a residential subdivision consisting of 12 single family lots and one outlot on property legally described as Outlot G, CENTURY SOUTH ADDITION, Dakota County, Minnesota; and

WHEREAS, The Final Plat is consistent with the Preliminary Plat of CENTURY SOUTH, as approved by the City Council on August 15, 2001; and

WHEREAS, The Planning Commission reviewed the Final Plat at the April 14, 2003 meeting, and recommends approval.

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

The Final Plat of CENTURY SOUTH 5TH ADDITION is approved subject to the following conditions:

1. The applicant shall be required to pay \$325.00 per unit interceptor sewer charges, prior to the city releasing the final plat hardshells. The interceptor sewer charge for this project totals \$3,900.00 for 12 units.
2. That the landscaping be planted according to the approved landscaping plan on file at City Hall.
3. Any Outlots shall be re-platted before they can be developed.
4. Establishment of a homeowners association to maintain all common open space areas. The homeowner's association documents shall be recorded as a part of the Final Plat.

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. Execution of a development agreement to memorialize the conditions of the plat and to establish any applicable escrow amounts to guarantee the completion of site plan activities prior to issuance of any building permits.
8. Any uncompleted site work (including landscaping) must be escrowed for prior to issuance of a certificate of occupancy.
9. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
10. The Final Plat shall be recorded with Dakota County within 90 days of approval by the City Council, or the approval is null and void.

Adopted by the Hastings City Council on April 21, 2003 by the following vote:

Ayes:

Nays:

Absent:

Michael D. Werner, Mayor

ATTEST:

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 April 21, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko, Administrative Assistant/City Clerk

(SEAL)




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

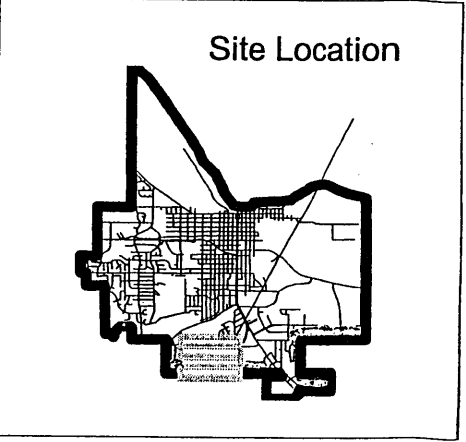
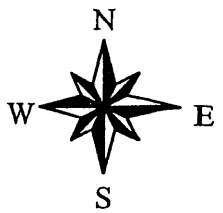
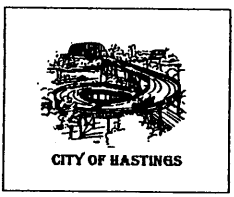
Century South 5th Addition Final Plat



Century South
5th Addition

Legend

-  Hastings City Limits
-  City Parcels
-  Township Parcels



#2003-27

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: (unassigned) Olson Drive

Legal Description of Property Involved: Outlot D, Century South 2nd Addition

Applicant:

Name Lyman Development Co.
Address 300 Morse Avenue
Excelsior, MN 55331
Phone 952-470-3637
952-470-3674

Fax
e-mail jim_johnston@lymanlumber.com
Owner (If different from Applicant):

Name _____
Address Same
Phone _____

| | |
|-------------------|-----------------|
| Official Use Only | |
| Date Rec'd | <u>4/7/03</u> |
| File No. | <u>#2003-27</u> |
| Fee Paid | <u>DD</u> |
| Rec'd by | <u>JH</u> |
| Ordinance # | |
| Section | |

| | |
|---|-----------------------|
| Request: <u>Final Plat- Century South</u> | Special Use: _____ |
| Rezone: <u>5th Addition</u> | Subdivision: <u>X</u> |
| Comp Plan Amend: _____ | Vacation: _____ |
| Site Plan: _____ | Other: _____ |
| Variance: _____ | TOTAL: _____ |

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

Replat of Outlot D, Century South 2nd into 12 single family lots and one outlot. This is the final phase of Century South.

Lyman Dev. Co.

[Signature] 3/28/03
Signature of Applicant V.P. Date

Same
Signature of Owner Date

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: April 21, 2003
Subject: Development Agreement – Century South 5th Addition Final Plat

REQUEST

The City Council is asked to approve the attached Development Agreement between the City and Lyman Development, Inc. for the Final Plat of Century South 5th Addition, located along Olson Drive, north of Greten Lane. The development consists of 12 single family lots and one outlot.

The Development Agreement has been submitted in conjunction with the Final Plat approval. As a condition of approval, the developer is required to enter into a development agreement with the city to memorialize conditions of the plat.

ATTACHMENTS

- Development Agreement
- Location Map
- Final Plat

**Development Agreement
Century South 5th Addition
Dakota County, Minnesota**

This agreement is made and entered into as of the _____ day of _____, 2003, by and between the City of Hastings, a Municipal Corporation (“City”), and Lyman Development Co. – Minnesota Corporation.

WHEREAS, Developer plans to undertake the development and construction of a planned residential development in the City of Hastings, on property hereinafter described, which development requires certain approval by the City of Hastings: and

WHEREAS, public hearings have been held allowing for comments by neighbors and other interested persons; and

WHEREAS, the parties desire to memorialize their agreement concerning matters of mutual interest and concern regarding this development.

NOW, THEREFORE, in consideration of the mutual agreement of the parties and certain authorizations by the City of Hastings, it is agreed as follows:

1. Subject Property. The real estate in this plat, hereinafter referred to as the “subject property,” is located in the City of Hastings, Dakota County, Minnesota, and proposed to be legally described as follows, to wit:

CENTURY SOUTH 5th ADDITION
ACCORDING TO THE RECORDED PLAT
ON FILE AND OF RECORD IN THE OFFICE OF THE DAKOTA COUNTY
RECORDER.

THIS DEVELOPMENT AGREEMENT SHALL APPLY TO ALL LOTS AND
OUTLOTS CONTAINED WITHIN CENTURY SOUTH 5th ADDITION

2. Authorization to Plat. Developer warrants that it owns the subject property and is authorized by virtue of said ownership to develop it without consent, participation or permission of any other person or entity. Developer further warrants that it has the authority to enter into a development agreement and to perform the conditions herein.

3. Private Roads and Utilities. All private drives and related utilities shall be designed and constructed according to City policies as determined by the Public Works Director, and constructed to City standards and specifications. Plans must receive approval from the Public Works Director before construction may commence. Minnesota Department of Health and Minnesota Pollution Control Agency utility permits will need to be acquired. The developer shall provide evidence that all private drives and utilities will be maintained by a homeowner's association and not by the City.

4. Streets.

- A. Grading. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the Public Works Division. All street grading and gravel base construction will be in accordance with specifications on file in the Public Works Division. Grading will be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.
- B. Surfacing. Following Public Works Division approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the Public Works Division, approved by the Council, and on file at the City.
- C. Boulevard Sod - The developer shall install a 3 ft strip of sod directly behind the curb as part of the street construction process. This boulevard sod strip shall be planted prior to the development being approved for building permits. If weather or sod supply does not allow the sod to be installed before building permits are requested, then the developer shall provide the City a letter of credit for the sod installation and shall install the sod as soon as feasible. Boulevard areas that are also within Conservation Areas shall be planted in accordance with the landscaping plan for Century South.
- D. Street Signage – The developer shall post street signage at the intersection of private drives and public roads indicating the address range for units located along the private drive.

5. Sidewalks and Driveways.

- A. Parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed 24 feet in width for residential uses. Commons Driveways are not allowed. All driveways serving multiple unit buildings must have a minimum landscaped separation between driveways of three feet, extending from the unit to at least 8 feet back from the curb.

- B. All single-family homes, duplexes, 4-plexes, townhomes, and townhouse quadraminiums developed as part of plats approved after January 1, 1994 shall be required to have mail delivery serviced by United States Postal Service approved Neighborhood Delivery and Collection Box units or similar City approved grouped boxes. Individual mailboxes will be permitted only upon receiving handicap exemption status from the Hastings area office of the United States Postal Service, with appeal rights to the St. Paul district office of the United States Postal Service. Mailbox unit foundations and concrete pads shall be constructed with the development's street improvements, and in accordance with the latest recommended plans and specifications prepared by the Public Works Division and on file at City Hall. The Public Works Director in consultation with the U.S. Post Office will determine the location and number of mailbox units.

6. Specifications - Inspections.

- A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. The required improvement plan review fee and or escrow as established by City Council resolution shall be paid at this time.
- B. Grading Inspection - All development site grading one acre in size or larger shall be inspected by a City designated grading inspector, who will review and inspect maintenance of erosion control measures and compliance with City standards, and the approved grading plan and specifications. The inspection escrow account shall be drawn from the balance of Century South 1st and 3rd Additions. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all grading inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the grading project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage. The Uniform Building Code grading permit fee will be waived for those grading projects that require a grading inspection cash escrow.
- C. As-Built Grading Plan - Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded elevations at all lot corners, critical elevations in drainageways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.
- D. Inspection of Public Improvements - Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a City

designated inspector for compliance with City standards, and the approved improvement plans and specifications. The inspection escrow account shall be drawn from the balance of Century South 1st and 3rd Additions. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

- E. As-Built Improvement Plan - Upon completion of the required public improvements, the City inspector shall prepare a record as-built drawing of the constructed improvements.
- F. Insurance Policy – Developer shall add the City as a name insured on the developer’s and the developer’s contractors insurance policies. Policy amounts shall meet Minnesota Statutes for local governments.

7. Required Surety.

- A. Developer Financed and Constructed Improvements: Developer shall provide a letter of credit in the amount of _____. This surety shall be used to cover failure of the Developer to construct the improvement in accordance with the approved plans and specifications and City standards, or failure complete the improvements as approved. Letter of Credit requirements may be satisfied through either amending existing letters of credit for Century South 1st or 2nd Addition, or obtaining a new letter of credit for Century South 5th Addition. A copy of the amended letter of credit shall be submitted to the city.
- B. Maintenance Bond: Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from his contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.
- C. Privately Constructed Improvements: In the event the developer elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:
 - 1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
 - 2. Complete the required improvements within a two-year period.
 - 3. Provide the City with reproducible as-built drawings prior to the start of construction.

- 8. Utilities.** The developer shall modify the utility plan according to the following items, subject to the approval of the Public Works Director:

- A. The developer shall have a separate water meter and water line installed for all irrigation systems.

9. Deleted in its entirety

10. Property Monuments. Steel monuments shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the developer's expense and responsibility. All U.S., State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. The developer shall replace all monuments displaced, damaged or removed during grading operations. The monuments shall be installed after the final grading has been completed. The developer shall provide required certification of installation to the County. A copy of this certification shall also be sent to the City.

11. Interceptor Sewer Charges. At the time the City signs the final plat, the developer agrees to pay the City three thousand, nine hundred dollars and 00/100 (\$3,900.00) for interceptor sewer charges. This total is based on a rate of \$325.00 for the 12 units.

12. Zoning Classification. Subject property has been zoned R- 3 Planned Residential Development zoning classification. Developer shall adhere to all standards for the zoning district, which are not in effect and amended from time to time.

13. Grading Plan. Developer shall provide the City with a certified survey illustrating that all of the subject property has been graded pursuant to the approved grading plan prior to the issuance of any building permits. Further, all disturbed areas shall be seeded and mulched before issuance of any building permits.

14. REQUIREMENTS FOR A BUILDING PERMIT

- a. No building permits shall be granted on the platted property until such time as a certified copy of the recorded plat has been filed with the City and production of proof that all conditions of plat approval have been met. In a case where the City of Hastings is a party to the platting, a copy of the plat, certified by the City Clerk as true and correct, shall satisfy the requirements of this section.
- b. No building permits shall be granted on the platted property until such time that the subdivider provides the City with a certified survey indicating that the entire site as shown on the preliminary and final plats has been graded pursuant to the approved elevations shown on the preliminary and final plats.
- c. No building permits, except for approved sales models, shall be granted on platted property until the bituminous base course has been constructed, sod behind the curb and gutter installed, and sanitary sewer, water main and storm sewer

improvements tested and accepted

15. Building Permit Submittal Requirements

An original certificate of survey from a licensed surveyor is required for all new development, including expansions of existing buildings. The Building Official may for accessory structures or minor additions (decks, porches, attached garages), waive the Certificate of Survey submittal requirements in favor of an approved site plan indicating the location of existing and proposed structures in relation to lot lines.

- a. The certificate of survey shall reference and be based on an approved grading plan.
- b. The Certificate of Survey shall include at a minimum the following information:
 1. property boundaries
 2. existing structures
 3. proposed structures (including driveways)
 4. existing and proposed lot corner elevations
 5. proposed drainage flow (arrows)
 6. proposed garage floor elevation
 7. proposed lowest floor elevation
 8. proposed lowest foundation opening
 9. proposed top of foundation elevation (front and rear)
 10. proposed finish grade elevations at building corners
 11. street right-of-way (to center line)
 12. existing property monuments
 13. Detailed spot elevations for drainage swales based on the approved grading plan.
 14. existing and proposed mid point elevations on side lot lines
 15. existing top of curb elevations at the extension of side lot lines and at the mid point of the lot
 16. On-site sewage treatment system location and potable well location, if applicable
- c. Survey benchmarks shall be identified on certificate of survey.
- d. Field hubs shall be placed on site by a licensed surveyor to show top of foundation elevation and setbacks.

16. Erosion Control Plan Requirements (May be identified on Certificate of Survey).

- a. Silt Fence – A silt fence shall be identified on the erosion control plan. The silt fence shall be located along the front yard (3 feet from curb or behind sidewalk), along existing developed yards, and where needed for erosion control as

determined by the City's Engineering Department.

- b. Rock Driveways - A rock driveway shall be identified on the erosion control plan. The rock driveway shall be constructed of CA1/CA2 Course Aggregate 1-2" rock - 6" deep per MPCA Manual.

17. Natural Resources Management Plan Requirements (all plans can be on same survey)

- a. Tree Plans - Shall identify boulevard/street tree and front yard tree location and type of tree (based on approved tree plan).
- b. Tree Protection - Shall identify protected trees and tree protection systems.

18. Occupancy of Dwelling Units. No permanent occupancy of any dwelling unit in the subject property shall occur until the City has accepted all utilities and until the base course of pavement has been installed on the streets, etc.

19. Shade Tree Requirement. The builders in the subdivision shall plant "boulevard" trees according to the submitted tree plan and one front yard tree per lot. These trees shall be at least two inches in diameter at the base and the species of the tree should be on the list of approved trees Created by the city Forester. An escrow is required for any unplanted trees before a certificate of occupancy is issued for any units without trees are allowed.

20. Maintenance of common open space and ponding basins. The developer shall provide documentation that a development association and not the city shall privately maintain common open space and ponding basins.

21. Failure to Perform. Developer agrees that the Inspections and Code Enforcement Supervisor has the authority to suspend issuance of building permits if Developer fails to adhere to the provisions of this agreement, including but not limited to Chapter 18, Property Maintenance Ordinance, stormwater management regulations, and City Council Approvals.

22. Successors and Assigns. This agreement shall be binding upon the successors and assigns of the parties hereto and shall run with the land.

23. Recording of Agreement. An original executed copy of this agreement shall be filed with the Dakota County Recorders Officer, which shall give notice to all subsequent purchasers of the property within the subject property of the provisions of this Agreement.

24 Miscellaneous.

- A. Any breach of the terms of this Agreement by Developer shall be grounds for denial of building permits for construction in the subject property.
- B. If any portion of this Agreement is held invalid for any reason, that decision shall not affect the validity of the remaining portions of this Agreement.
- C. The action or inaction of the city shall not constitute a waiver or amendment to the

provisions of this Agreement. All amendments or waivers to this Agreement shall be in writing, signed by all parties and approved written resolution of the City Council.

Dated this _____ day of _____, 2003

City of Hastings,
A Minnesota Municipal Corporation

By: _____
Michael D. Werner, Mayor

By: _____
Melanie Mesko Lee, City Clerk

SEAL

Lyman Development Co.

By: _____

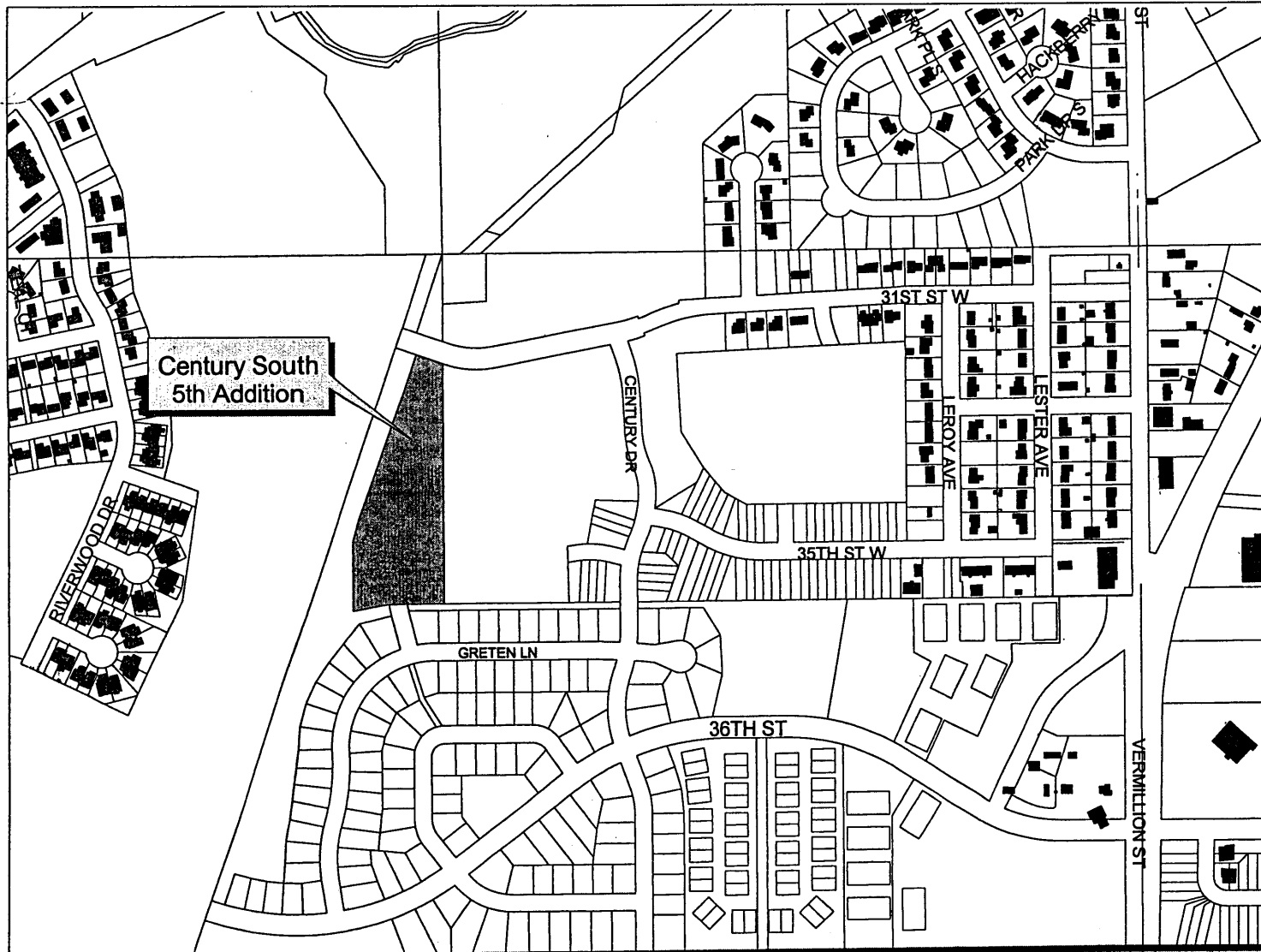
Acknowledgment

State of Minnesota)
) SS.
County of Dakota)




The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by Michael D. Werner and Melanie Mesko Lee, the Mayor and City Clerk of the City of Hastings, a Minnesota Municipal Corporation

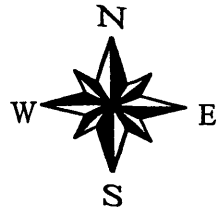
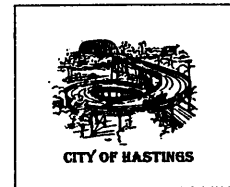
Notary Public

Century South 5th Addition Final Plat

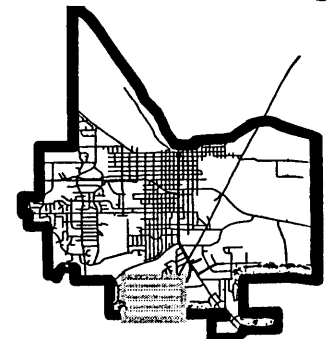


Legend

-  Hastings City Limits
-  City Parcels
-  Township Parcels



Site Location



MEMO

VI-14

TO: Honorable Mayor and City Council members
FROM: Lori A. Webster, Finance Director
RE: 2003 Budget adjustments
DATE: April 15, 2003

The City Council is asked to authorize the following budget adjustment requests received by the Parks department which appears below :

\$ 3,000.00 increase to the Arena budget for an adult soccer program. Both revenues and expenditures will increase.

\$ 5,892.99 for repairs to the locker room showers and to the water rider springs. Adjustments are recommended in the Pool ERF.

As always, should you have any questions on this information, please feel free to contact me.

Council Action Requested

Authorize the above 2003 budget adjustments and as indicated.

To: Lori Webster
CC: Sliv
From: Char Stark, Assistant Finance Director
Date: April 15, 2003
Re: Budget adjustment

Recommended City Council Action

The City council is asked to approve a budget adjustment of \$3,000.00 for an adult soccer program. The revenue collected will cover the cost of floor rental, jersey's, referee, and clock keeper.

Revenue: 615-401-4150-5465 \$3000.00

Expenditure: 615-401-4150-6450 \$2500.00

615-401-4150-6319 \$500.00

4-9-03

To: Mayor and City Council

From: Darbie A.D. Johnson

RE: ERF

Cc: Marty McNamara

Lori Webster

Jeremy Pire

We have begun to prepare for the 5th season at the Hastings Family Aquatic Center and 2 equipment replacement issues has become apparent.

1. Locker Room Showers

Installed are 8 total shower units in the locker rooms that have sensor switches for operation. Over the past several years we have battled with showers constantly running that won't shut off and showers that won't run at all. After researching information, I am requesting replacement of the sensor showers with manual operated showers.

2. Water Rider Springs

Installed are 4 total water riders in the zero depth area of the pool. Each has a spring that allows the rider to rock back and forth. Of the 4 riders, 2 have broken springs, which causes a safety issue of the rider becoming disconnected when being used by a patron. The springs have a 1-year warranty, which has since expired. I am requesting purchase of 2 new springs.

It is my request to pay for these replacements from the pool ERF. This fund has been budgeted for major equipment repairs/replacement, pool furniture, and computer replacement.

The total amount for shower replacement is \$4947.99. The total amount for water rider spring replacement is \$945.00. Total ERF use \$5892.99. According to Char Stark, the total amount of ERF's available is \$13,000+.

Please contact me if you have any questions at 651-480-6179.

STATE SUPPLY COMPANY, INC.
 597 EAST 7TH STREET
 SAINT PAUL MN 55101-2477
 651-774-5985

NO. 207414

PAGE 1

04/09/03

SHIP-TO: SAME
 CITY OF HASTINGS
~~101 FOURTH ST EAST~~ 920 W 10th St.
 HASTINGS, MN 55033

BILL-TO: 1345
 CITY OF HASTINGS
 101 FOURTH ST EAST
 HASTINGS, MN 55033

REFERENCE # ! EXPIRES ! SLSP ! TERMS ! WH ! FREIGHT ! SHIP VIA
 VERBAL JEREMY ! NONE ! MHF ! NET 30 ! 01 ! PP&ADD ! BEST WAY

QUOTED BY: MRH QUOTED TO: JEREMY

| ITEM | DESCRIPTION | ORDERED | UNIT | PRICE | UNIT | EXTENSION |
|---------|--|---------|------|--------|------|-----------|
| SYMMONS | #1-901S-60 THRU WALL SINGLE SUPPLY HYDAPIPE | 6.00 | EA | 552.00 | EA | 3312.00 |
| SYMMONS | 1-901S-22-FS THRU WALL SINGLE OUTLET HYDAPIPE ADA SYSTEM | 2.00 | EA | 667.00 | EA | 1334.00 |
| | FREIGHT ABOUT \$100-\$200 THANK YOU FOR THE ORDER. MARTY | | | | | |

*ATTN
 JEREMY*

| MERCHANDISE | MISC | TAX | FREIGHT | TOTAL |
|-------------|------|--------|---------|--------|
| 4646.00 | .00 | 301.99 | .00 | 4947.9 |

TOTAL P.01

KOALA PLAY GROUP

REFERENCE # : 03-059
 DATE : 3/24/03
 TO : Jerney Pire
 COMPANY : City of Hastings
 PROJECT : Rider Springs
 SALESMAN :



| Qty. | U/M | Item # | Description | Unit Price | Amount |
|------|-----|----------|-----------------------|------------|------------------|
| 2 | ea. | SFW40008 | Rider Springs | \$ 425.00 | \$ 850.00 |
| | | | Shipping and Handling | | \$ 95.00 |
| | | | | | <u>\$ 945.00</u> |

The above price includes shipping. However, there are no taxes, tariffs, or duties of any kind. These prices are good for 60 days from the date of the proposal.

This order requires a 50% deposit, being \$472.50 when the order is placed with the balance due on delivery. No order is processed until the deposit check has been received. All shipping dates are figured from the date the deposit check is received. We produce all orders in order from the date we receive the deposit. **We are currently at 3-4 weeks lead time from the date we receive your deposit.**

Again we are under a heavy production load and foresee production times taking longer this season, so we need orders placed as soon as you can.

Koala Corporation/Superior Foam is fully capable of manufacturing and installing custom products and design themes which depict major brand names or companies, sport franchises, etc. However, prior to entering into a binding purchase agreement for a Koala Corporation/Superior Foam product which utilizes another company's name, trademark or logo, written authorization from the respective company must first be obtained.

Upon approval, please have an authorized representative sign below and return the original signed proposal to us with the deposit made payable to Superior Foam, P. O. Box 1884, Wimberley, TX 78676.

Thanks.


 J. T. New
 Superior Foam Division

 Authorized Representative's Signature

 Printed Name

April 16, 2003

VI-15

TO: The Honorable Mayor & Council

FROM: John Grossman, HPC Staff

RE: Appointment to Heritage Preservation Commission

The HPC has one vacancy. They advertised, interviewed and recommended the following applicant for appointment.

Christopher Hellie, 1306 Spring Street, Hastings.

Mr. Hellie meets the requirements of residence and interest in preservation. As a carpenter he brings useful experience to the commission.

The term will be 4/21/03 to 1/31/05.

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: CHRISTOPHER HELLIE

Address: 1306 SPRING STREET

Phone Number: (612) 636-3252 (651) 437-5937
(Day) (Evening)

How long have you lived in Hastings? 2 years

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

I HAVE THE GOOD FORTUNE OF BEING AN HISTORICALLY
MINDED CARPENTER. MY CURRENT EMPLOYER IS RESPONSIBLE
FOR MANY RENOVATIONS IN WHICH EVEN THE FINEST OF
DETAILS WERE DUPLICATED TO ORIGINAL AND EXACTING STANDARDS.

Desired Information

Employer: JET CONSTRUCTION AND REMODELING

Occupation: LEAD CARPENTER

Prior Experience as public employee, elected or appointed official:

MEMBER OF MY CHURCH COUNCIL

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 FEEL MY COMMUNICATION AND ORGANIZATION SKILLS
BENEFIT ME IN ALL ASPECTS OF LIFE. I ATTEMPT
TO USE OBJECTIVE JUDGEMENT AND SOUND REASONING
WHENEVER POSSIBLE.

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: _____

Memorandum

VI-16

To: Mayor Werner & City Council
From: William R. Mesaros Building Official Department of Building Safety
Date: April 15, 2003
Subject: Lease agreement to replace two building inspection vehicles.



History

The Department of Building Safety has been utilizing retired police squad cars for performing building and code enforcement inspections. The problem with using these vehicles is when we receive them they have considerable wear and tear and a very limited usable life span. They generally have higher miles and have on going higher maintenance needs due to their hard previous use. This has been an ongoing problem for repairs and always a question of dependability (that's why they're retired). Using these vehicles for inspections has not proven to be reliable or cost affective.

Request.

To spread out the cost of replacing vehicles and maintain a safe and reliable fleet I proposed for the 2003 budget process to begin the replacement of two of the oldest vehicles. I proposed to remove from service the 1994 Crown Victoria (unit 804) and the 1993 Dodge Shadow (unit 803). I propose to use them as trade for the two new lease vehicles. The trade in value will help to reduce the total purchase price for the new vehicles. The long term use of the two new vehicles should be approximately 10 years @ less than 8000 miles per year. With good general care and maintenance, I see no problem with these keeping these vehicles for at least that long.

Please find attached two proposals for two new replacement inspection vehicles. I am requesting council approval the Department of Building Safety to enter into a lease contract with O'Brien Chevrolet of Hastings as proposed. The lease terms are for 48 months @ 335.00 per month and 10,000 miles per year per vehicle. The plan is to then purchase the vehicles at the end of the 48month lease for the residual price of 4000.00 dollars per vehicle in 2007. I am planning to budget 1000.00 dollars per vehicle for the next 4 years to the ERF fund to cover the final buyout.

Please find attached a copy of the lease proposals. If you have any questions please contact me.

JOE O'BRIEN CHEVROLET, INC.

2929 Hwy 316
Hastings, MN 55033
(651) 437-4161 Phone
(651) 437-7022 Fax

April 4, 2003

To: City of Hastings
Bill Mesaros

From: Joe O'Brien Chevrolet Leasing
Adam Larson / Holly O'Brien

Re: 2003 Chevrolet Silverado Lease Quote
1/2 Ton 2WD

Based on \$21,820.00 MSRP

Lease cost of \$17,200.00 after \$3000 rebate
Tax exempt lease, (if applies)

48 months / 10,000 miles per year : \$.15 per mile over
48 payments of \$335.00 per month

Buyout after 48 months: \$4,000.00 + title/tax fees (as they apply)

MEMORANDUM

TO: Mayor Werner and City Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: April 16, 2003
RE: Mary Jo Anderson—Request for Unpaid Leave of Absence Extension

Council Action Requested:

Approval of second extension of unpaid leave of absence.

Background Information:

Mary Jo Anderson applied for and was approved to take an unpaid leave of absence and subsequently an extension of that leave. In recognition of the medical reports received as part of this unpaid leave of absence, staff is recommending an extension of this unpaid leave of absence through July 15, 2003.

If you have any questions or need more information on this request, please let me know.

Memorandum

VI-18

To: Mayor Werner and City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Application for Temporary Exempt Gambling Permit—City of Hope and Smead Manufacturing: at Jaycee Park on July 20, 2003

Recommended City Council Action:

Approve the attached Resolution authorizing the City of Hope organization to conduct a raffle on July 20, 2003.

Background:

Application has been received from the City of Hope organization, in conjunction with Smead Manufacturing, conduct a raffle for their organization on July 20, 2003 at Smead's booth in Jaycee Park during Rivertown Days. The raffle's total value of prizes is estimated not to exceed \$12,000.

If Council should approve this application, the attached resolution will be sent to the Minnesota Lawful Gambling Board showing the City's approval to allow the raffle.

The Gambling Control Board allows up to 5 licenses of this type to be issued to a nonprofit organization per year. This is the first time in staff's file that this organization has applied for a raffle permit from the City of Hastings.

Should you have any concerns or questions, please do not hesitate to contact me.

Attachment:

1. Resolution- Waiving the 30-day waiting period for the City of Hope Charitable Trust with Smead Manufacturing at Jaycee Park

Application materials on file.

**RESOLUTION NO. 04- -03
EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF HASTINGS, MINNESOTA**

HELD: APRIL 212003

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Hastings, Dakota and Washington Counties, Minnesota, was duly held at the City Hall in said City on the 21st April, 2003, at 7:00 o'clock P.M. for the purpose in part of authorizing Resolution No. 04- -03, authorizing the City of Hop Charitable Organization to conduct a raffle on July 20, 2003 with Smead Manufacturing at Jaycee Park.

The following Councilmembers were present:

and the following Councilmembers were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. 04-__-03
RESOLUTION APPROVING RAFFLE LICENSE APPLICATION
FOR THE CITY OF HOPE CHARITABLE ORGANIZATION**

WHEREAS, the City of Hope Charitable Organization has presented an application to the City of Hastings to conduct a raffle on July 20, 2003 with Smead Manufacturing, at Jaycee Park; and

WHEREAS, the application for Exempt Permit license has been presented;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings that the Mayor and City Clerk are authorized and directed to sign this resolution and forward to the Minnesota Department of Gaming, Gambling Control Division, showing Council approval of this application for an Exemption Permit License.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and, after full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/City Clerk

(SEAL)

MEMO

VII-1
VII-2
VIII-A-1
VIII-A-3

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 17, 2003
Re: Development Review Fees & Escrows
Chapters 4, 10, 11 & 12 Ordinance Amendments
Public Hearing and Second Reading

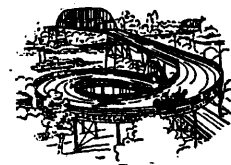
Council is asked to consider several ordinance amendments that would:

- Establish escrow accounts for the review of preliminary plats
- Establish escrow accounts for the review of privately constructed street and utility improvements
- Establish escrow accounts for the review of site plans
- Establish escrow accounts for the inspection of site plan street and utility improvements.
- Establish fees to be collected with building permit fees for:
 - Top of block survey
 - Grading plan review
 - Erosion control inspection
 - Installation of water meter radio read unit
 - Inspection of water service lines 4 inches in diameter or greater
 - Bacteriological testing of water service lines 4 inches in diameter or greater

PRELIMINARY PLATS

The proposed Chapter 11 revision to the City Codes establishes escrow accounts for the review of preliminary plats and for the review of privately constructed street and utility improvements. Presently, developers are only charged a preliminary plat application fee (\$200 + \$10 per lot) for review of preliminary plats. If consultant storm water or traffic review is required, the developer is either billed for this review or the consultant fees are deducted from the developer's construction inspection escrow. Staff is proposing an increased use of consultants for preliminary plat review, an increased preliminary plat application fee (see the enclosed memo from Planning Director John Hinzman) and charging for staff review time on the larger, time consuming preliminary plats.

Staff is also proposing an escrow for the review of privately constructed street and utility improvements. Presently, this review is being conducted by a consultant engineer. The consultant fees for this review are deducted from the developer's construction inspection escrow. However, requiring escrow



CITY OF HASTINGS

payment at the time of plan review relieves the City from having to carry these costs until the developer starts construction, and eliminates exposure to the risk of nonpayment when a project fails to advance to construction.

Under the proposed escrow account systems, a developer would be asked to deposit funds with the City to cover application fee and review fee expenses. A 10% administrative fee would be added to consultant billings. City staff review would be charged out at rates set by the City Council. Upon Council approval of the preliminary plat or if the developer cancels the project, any remaining funds in the escrow account would be returned to the developer. In the event the escrow account is insufficient to complete review or if storm water or traffic analysis is required, additional escrow funds will be requested of the developer and review of the project will stop until such funds are received.

SITE PLANS

The proposed Chapter 10 revision to the City Codes establishes escrow accounts for the review of site plans and for the inspection of site plan street and utility improvements, similar to those proposed for preliminary plats. Presently, developers are only charged a site plan application fee (\$200) for review of site plans. If consultant review of the site plan or inspection of the street and utility improvements is required, the developer is typically required to pay for these costs as established in a development agreement. However, the development agreement is approved as part of or after the site plan approval. Requiring escrow payment at the time of site plan submittal relieves the City from having to carry these costs until the project is approved, and eliminates exposure to the risk of nonpayment when a project fails to advance.

CONSTRUCTION PERMIT

Presently, the Code Enforcement and Inspections Department issues a construction permit that includes the following fees:

- Plan review fee (as set by 1997 Uniform Building Code)
- Building permit fee (as set by 1997 Uniform Building Code)
- SAC (Metropolitan Council sewer access charge)
- WAC (City of Hastings water access charge)
- Sewer connection fee (City of Hastings sewer access charge)
- Grade inspection fee (final grade survey)
- Water meter fee (pay for City purchased water meter)
- Water meter sales tax.

A copy of a typical construction permit for a single family house is enclosed. Staff is proposing the following additional fees be added to the construction permit:

- **Grading plan review fee** – review of the submitted grading plan to check that the proposed grading conforms to the grading plan approved for the development, or if lacking an approved development grading plan, ensuring that the lot will not pond, block drainage, or drain water onto neighboring properties. Staff is proposing to utilize consultants to review grading plans, similar to site plan and preliminary plat reviews. *Proposed*

fee - \$125 with approved development grading plan; \$250 without an approved development grading plan.

- **Top of Block Survey** – Currently, the Engineering Department survey crew checks the elevation of the top of the building foundation to check that the building foundation elevation conforms to the approved building plan submittal and plat development grading plan. At this time, builders are not charged for this top of block survey. Staff is proposing to use consultant surveyors to perform the top of block survey (as is currently done with final grade surveys) and charge a fee for this service. *Proposed fee - \$75.*
- **Erosion control inspection** – Currently, builders are required to install silt fence around construction activities to control erosion and install a rock construction driveway to prevent tracking mud onto City streets. In 2004, the City will be required to prepare a storm water permit application that will have to include provisions for controlling construction erosion and annual reporting on erosion control activities. Best management practices required under the permit process should include frequent inspection of erosion control efforts, especially after significant rainfall events. Staff is proposing to use a Technician from the Engineering Department to institute a coordinated erosion control inspection program and be responsible for erosion control inspection and reporting. The proposed erosion control inspection fee is estimated to cover approximately half of the annual salary, benefits and overhead for the Technician. *Proposed fee - \$250.*
- **Installation of water meter radio read unit** – Currently, the Utility Department installs the water meter radio read unit to the water meter installed by the building at no charge. Staff is proposing to charge for this service at a fee that is estimated to cover the annual salary, benefits and overhead for a little more than ½ an hour of a Utility Operator's time. *Proposed fee - \$25.*
- **Inspection of water service lines 4 inches in diameter or greater** – The Utility Department inspects the installation of large water services lines to check for leaks and to ensure that the lines are properly constructed and disinfected. At this time, builders are not charged for this inspection. Staff is proposing to charge for this service at a fee that is estimated to cover the annual salary, benefits and overhead for approximately five hours of a Utility Operator's time. *Proposed fee - \$200.*
- **Bacteriological Testing of water service lines 4 inches in diameter or greater** – Contractors are currently required to arrange for testing of large water service lines to make sure that no bacteria are present before leaving the services open to the City's water system. Two separate tests are

required, each one day apart. The independent testing lab must sample the service, transport the sample, test the sample, and prepare a report. A Utility Department operator is required to witness the sampling. Staff is proposing to take over the ordering and coordination of the sampling and testing, using the same lab that sample the water system for the City. Advantages are achieved from uniform reporting and coordination with just one testing lab. ***Proposed fee - \$150.***

These proposed additional construction permit fees total \$500 for a typical single family residential home; which equates to a little less than a 10% increase in total permit fees. The establishment of fees for grading plan review, top of block survey and erosion control inspection is contained in the proposed Chapter 4 ordinance amendments. The establishment of fees for Utility Department installation of the water meter radio read units and inspection of large water services is contained in the proposed Chapter 12 ordinance amendments. The proposed Chapter 4 and Chapter 12 ordinance amendments also include some housekeeping changes that move references to utility functions from Chapter 4 (Construction) to Chapter 12 (Utilities).

COUNCIL ACTION REQUESTED

Council is requested to approve the second reading and adopt the proposed ordinance amendments. Council will find enclosed with this memo the following documents:

- Proposed fee and escrow schedule for preliminary plats, site plans and construction permits.
- Copy of a typical single family resident construction permit.
- Memo from Planning Director John Hinzman regarding proposed Planning Department fee increases.
- A summary of proposed ordinance amendments.
- Proposed Chapter 4 ordinance amendments.
- Proposed Chapter 10 ordinance amendments.
- Memo from Associate Planner, Kris Jenson and Chapter 10 ordinance amendments regarding the relocation of fence and accessory structure provisions from Chapter 4 to Chapter 10.
- Proposed Chapter 11 ordinance amendments.
- Proposed Chapter 12 ordinance amendments.

Copies of Chapters 4, 10, 11 & 12 are available from the City's web page at www.ci.hastings.mn.us. Select ***City Code*** from the menu selection on the left side of the home page.

SUMMARY OF PROPOSED ORDINANCE CHANGES FOR PUBLIC HEARING AT THE
APRIL 21, 2003 COUNCIL MEETING

CHAPTER 4, CONSTRUCTION REGULATIONS

Sec. 4.03, Certificate of Survey – Added an erosion control plan to the list of required submittals, and established a grading plan and erosion control plan review fee.

Sec. 4.08, Remote Reading Type Water Meter Required – Removed from Chapter 4, Construction Regulations and placed in Chapter 12, Utilities (Sect. 12.21, Rules and Regulations – Water and Sewer, Subd. 5).

Sec. 4.09, Sewage and Waste Control Rules and Regulations Adopted - Removed from Chapter 4, Construction Regulations and placed in Chapter 12, Utilities (Sect. 12.21, Rules and Regulations – Water and Sewer, Subd. 9).

Sec. 4.10 Required Hook Up to City Sanitary Sewer - Removed from Chapter 4, Construction Regulations and placed in Chapter 12, Utilities (Sect. 12.21, Rules and Regulations – Water and Sewer, Subd. 10).

Sec. 4.11 Required Hook Up to City Water - Removed from Chapter 4, Construction Regulations and placed in Chapter 12, Utilities (Sect. 12.21, Rules and Regulations – Water and Sewer, Subd. 11).

Sec. 4.13 Electric, Telephone, TV Cable and Other Similar Utility Construction To Be Underground - Removed from Chapter 4, Construction Regulations and placed in Chapter 12, Utilities (new Sect. 12.05).

Sec. 4.15 Accessory Structures – Removed Subd. 1, Fences, and placed in Chapter 10, Zoning, under section 10.05 Subd. 4. Revised Subd. 3 to clarify a number of driveway and sidewalk requirements within the public right of way. Removed Subd. 4, Accessory Building and Structure Requirements, and placed in Chapter 10, Zoning, under section 10.05 Subd. 5.

Sec. 4.17 Survey Inspections – Revised to explain top of block and final grade inspections and to establish inspection fees.

Sec. 4.18 Erosion Control – New section that explains and summarizes erosion control requirements and establishes a fee for erosion control inspection.

CHAPTER 10, LAND USE REGULATIONS (ZONING)

Section 10.05. Application of District Regulations – Revised subd. 4, Fences and Walls or Hedges, to replace previous language with revised and updated fence provisions that were in Chapter 4. Revised subd. 5 Accessory Building and Structure Requirements, to incorporate Accessory Structure language moved from Chapter 4. Updated subd. 6 through 8 for renumbering and former subd. 8 through 10 that were superceded by the adoption of Chapter 18, Recreational Vehicle Storage.

Section 10.27. Site Plan Review Procedure – Revised subd. 2 to make require additional information with site plan submittals, making submittal requirements conform more closely to building permit certificate of survey requirements and preliminary plat grading and existing conditions survey requirements. Revised subd. 3 to require the establishment of escrow accounts to pay for review of submitted site plan and construction inspection of site plan improvements (typically site grading and utility construction).

CHAPTER 11, SUBDIVISION REGULATION (PLATTING)

Section 11.03 Plat Presentation Procedures – Revised Subd. 2, Preliminary Plat Approval, to require the establishment of escrow accounts to pay for review of submitted preliminary plats, and to require submittal of approved preliminary plat drawings in an electronic format. Revised Subd. 3, Final Plat Approval, to require submittal of approved final plat drawings in an electronic format.

Section 11.05 Design Standards – Revised to reference a Council approved “*Public Works Design Manual*” that will contain technical design standards such as street widths and grades, curve design, and street and utility design standards. Technical design standards listed in Section 11.05 are removed. The new *Public Works Design Manual* will be brought before the Council for adoption by resolution at the same meeting scheduled for the 2nd Reading of the changes to Chapter 11.

Section 11.06 Required Improvements – Revised Subd. 4 to eliminate an unnecessary reference to storm sewer assessments. Revised Subd. 7 to require the establishment of escrow accounts to pay for review of submitted plans and specifications for privately constructed public street and utility improvements. Revised Subd. 8 to clarify the amount of surety developers are required to post for petitioned City constructed improvements and to eliminate redundant and conflicting assessment procedure language for City financed improvements. Revisions to Subd 8 also include changes to the requirements for Privately Constructed Improvements that reflect current City inspection operations.

CHAPTER 12, UTILITIES

Sect. 12.05, and Sect. 12.21, Subd. 9, 10, and 11 are all new additions that move ordinances referencing utilities from Chapter 4, Construction to Chapter 12, Utilities.

Sect 12.21, Rules and Regulations – Water and Sewer – Eliminated Subd. 5 – Sewerage Service Outside the City as it became outdated when the Metropolitan Council took over the wastewater treatment plant, and replaced the removed language with a new Subd. 5 that replaces a remote reading water meter ordinance that had been in Chapter 4. Revised Subd. 6 to require Public Works Division inspection and testing of water services 4 inches in diameter and greater. Revised Subd. 7 to clarify sewer and water connection fee charges such that anytime a MCES SAC charge is required, a comparable City SAC and WAC charge should also be levied.

| Type | Existing Fee | Proposed Fee |
|--|--|---|
| NEW DEVELOPMENTS | | |
| • Preliminary Plat Review, Planning | \$200.00 + \$10 per lot | \$500 + escrow: Under 10 Acres = \$500 Over 10 Acres = \$1,000 |
| • Preliminary Plat Review, Public Works | \$0 – Consultant review fees deducted from street and utility improvement inspection escrow | Escrow: Under 10 Acres = \$2,500 Over 10 Acres = \$5,000 |
| | | Total Proposed Escrow & Fee due at application: Under 10 Acres = \$3,500 Over 10 Acres = \$6,500 |
| ○ Street & Utility Improvement Plan Review, Public Works | \$0.00 – Consultant review fees deducted from street and utility improvement inspection escrow | Escrow due at submittal: Under 10 Acres = \$2,500 Over 10 Acres = \$5,000 |
| ❖ Street & Utility Improvement Construction Inspection, Public Works | Escrow due prior to start of construction, based on estimated Consultant inspection fees | Escrow due prior to start of construction, based on estimated Consultant inspection fees |
| SITE PLANS | | |
| • Site Plan Review, Planning | \$200.00 | \$500.00 + escrow: 0-5,000 s.f. = \$0 5,000-10,000 s.f. = \$500 10,000-50,000 s.f. = \$750 50,000 s.f. + = \$1,000 |
| • Site Plan Review, Public Works | \$0.00 | Escrow: 0-5,000 s.f. = \$1,500 5,000-10,000 s.f. = \$2,000 10,000-50,000 s.f. = \$2,500 50,000 s.f. + = \$3,000 |
| | | Total Proposed Escrow & Fee due at application: 0-5,000 s.f. = \$2,000 5,000-10,000 s.f. = \$3,000 10,000-50,000 s.f. = \$3,750 50,000 s.f. + = \$4,500 |
| ○ Site Plan Impr. Inspection, Public Works | Escrow due prior to start of constr. based on est. Consultant insp. fees | Escrow due prior to start of constr. based on est. Consultant insp. fees |

| Type | Existing Fee | Proposed Fee |
|---|--------------------------|--|
| BUILDING PERMITS | | |
| • Final Grade Survey | \$100 | \$125 |
| • Top of Block Survey | \$0.00 | \$ 75 |
| • Grading Plan Review | \$0.00 | \$125 – With approved development grading plan \$250 – For infill lot on plat without an asbuilt grading plan |
| • Erosion Control Inspection | \$0.00 | \$250 |
| • Utility Dept. Installation of Water Meter Radio Read Unit | \$0.00 | \$25 |
| • Utility Dept. Inspection of Water Service Lines 4 inches in diameter or greater | \$0.00 | \$200 |
| • Bacteriological Testing of 4" or greater Service Lines | Builder's Responsibility | \$150 |

Printed: 3/19/03



City of Hastings
101 East 4th Street
Hastings, Minnesota 55033
(651) 480-2342 Fax (651) 437-7082

Building Permit BP2003-150

Fees and Receipts:

| | | |
|--------------------|----------------------------|-------------------|
| FEE2003-1440 | 3/4 Water Meter | \$300.00 |
| FEE2003-1441 | 3/4 Water Meter Tax | \$19.50 |
| FEE2003-1442 | Building Permit Fee (Auto) | \$986.75 |
| FEE2003-1443 | Grade Inspection Fee | \$100.00 |
| FEE2003-1444 | SAC | \$1,275.00 |
| FEE2003-1445 | Sewer Connection fee | \$640.00 |
| FEE2003-1446 | Surcharge (Calc) | \$49.06 |
| FEE2003-1447 | WAC | \$1,205.00 |
| FEE2003-1448 | Plan Review Fee (Calc) | \$641.39 |
| Total Fees: | | \$5,216.70 |

PERMISSION IS HEREBY GRANTED

To carry out the work specified in this permit on the following described property. Upon the express condition that said persons and their agents, employees and workmen, in such work done, shall conform in all respects to the provisions of the Minnesota State Building Code and local ordinances. This permit may be revoked at any time upon the violation of any of the provisions of said code.

PAID MAR 20 2003

Applicant Homes By Chase
2100 W. County Road 42
Burnsville, MN 55337
952-898-2100

Contractors Type: General-Residential Only
Homes By Chase
2100 W. County Road 42
952-898-2100

| | | |
|---------------|------------------------------------|-------------------|
| Parcel | Parcel Number: PARC2003-121 | Zoning: |
| | Address: 730 Williams Drive | |
| | Addition: Century South | Block: 38 |
| | Legal Description: | Lot(s): 11 |

A Certificate of Occupancy must be requested and Issued prior to use or occupancy. This permit shall expire and be null and void if the work authorized by the building permit is not commenced within 60 days of the date of issuance of it work is abandoned or suspended for a period of 120 days. Term of the permit is 12 months from date of issuance. A violation of a provision of this Code is a misdemeanor (Minnesota Statutes, Section 16B.69.)

Tom Bakken

BUILDING OFFICIAL / AUTHORIZED AGENT

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: April 7, 2003
Subject: Planning Department Fees

REQUEST

The City Council is asked to review proposed increases to various Planning Department Fees. A resolution adopting revised fees is tentatively scheduled for the April 21, 2003 meeting in conjunction with various City Code Amendments related to development

BACKGROUND

The existing fee schedule was adopted in March of 1992. Various land use application fees (Preliminary Plat, Site Plan, Special Use Permit, etc.) have not been raised since 1992. Over the past year, time spent on specific projects has been tracked to determine whether existing fees adequately cover time spent on a project. It was determined they do not. Proposed fee increases represent the increment needed to close that gap.

PROPOSED CHANGES

The following fee changes are proposed:

| Type | Existing Fee | Proposed Fee |
|--|-------------------------|--|
| Annexation | 0 | \$500.00 + Legal Expenses |
| Administrative Lot Split | 0 | \$50.00 |
| Comprehensive Plan Amendment | \$200.00 | \$500.00 |
| Environmental Assessment Worksheet (EAW) | \$0 | \$500.00 + \$1000 escrow |
| Final Plat | \$100.00 | \$600.00 |
| Garden Center | \$0 | \$50.00 |
| House Move | \$100.00 | \$500.00 |
| Lot Line Rearrangement | \$0 | \$50.00 |
| Minor Subdivision | \$100.00 | \$500.00 |
| Preliminary Plat | \$200.00 + \$10 per lot | \$500 + escrow: - Under 10 Acres = \$500 - Over 10 Acres = \$1,000 |
| Rezoning | \$250.00 | \$500.00 |
| Roof Sign Approval | \$0 | \$100.00 |
| Signs | \$30.00 | Based on Estimated Value: - \$1-\$500 = \$30 - \$500-\$1,000 = \$50 - \$1000-\$2500 = \$75 - Over \$2,500 = \$100 |
| Site Plan | \$200.00 | \$500.00 + escrow: - 0-5,000 s.f. = \$0 - 5,000-10,000 s.f. = \$500 - 10,000-50,000 s.f. = \$750 - 50,000 s.f. + = \$1,000 |
| Special Use Permit | \$200.00 | \$500.00 |
| Variance | \$75.00 | \$250.00 |
| Vacation of ROW\Easement | \$100.00 | \$400.00 |

SEC 4.03 CERTIFICATE OF SURVEY

SUBD. 1. In addition to plans and specifications required to ensure compliance with the state building code and prior to issuance of a building permit, each applicant shall be required to submit a Certificate of Survey including at a minimum the following information: property boundaries, existing structures, proposed structures (including driveways), lot corner elevations, proposed drainage flow (arrows), proposed garage floor elevation, proposed lowest floor elevation, proposed lowest foundation opening, proposed top of foundation elevation, erosion control plan, street right-of-way (to center line) and existing property monuments. Field hubs shall be placed on-site by a surveyor to show top of foundation elevation and setbacks. The Building Official may for accessory structures or minor additions (decks, porches), waive the Certificate of Survey submittal requirements in favor of submittal of a plot plan indicating the location of existing and proposed structures in relation to lot lines.

The submitted Certificate of Survey will be reviewed by a representative of the City with respect to conformance to required survey information, subdivision and zoning requirements, erosion control plan and lot grading. Proposed erosion control plan will be checked for conformance with City erosion control standards. Proposed lot grading will be checked for conformance with any existing development grading plan and with City grading standards. Certificate of Survey review fees, including erosion control plan, grading review fees and re-submittal fees for corrected surveys, shall be set by the City Council by resolution.

~~**SEC. 4.08 REMOTE READING TYPE WATER METER REQUIRED.**~~

~~**SUBD. 1.** In all new construction using one inch size water meter, or smaller, remote reading type water meters shall be installed at the expense of the owners. In all replacement of present one inch meters, or smaller, the replacement shall be with a remote reading type meter allowing reading of same from the exterior of the building. The meter and the remote reading device shall be installed by a private contractor.~~

~~**SEC. 4.09 SEWAGE AND WASTE CONTROL RULES AND REGULATIONS ADOPTED.**~~

~~**SUBD. 1.** The Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System is hereby adopted by reference as though set forth verbatim herein. Three copies of said Rules and Regulations shall be marked CITY OF HASTINGS OFFICIAL COPY and deposited on file in the office of the City Clerk and open to inspection and use by the public.~~

~~**SEC. 4.10 REQUIRED HOOK UP TO CITY SANITARY SEWER**~~

~~**SUBD. 1.** All properties currently served with on site sewer systems shall be required to hook up at owners expense to City sanitary sewer within one (1)~~

~~year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by on-site sewer systems which have available access to City sanitary sewer as of the effective date of this ordinance (January 14, 1994) shall be required to hook up within one (1) year.~~

~~SEC. 4.11 REQUIRED HOOK UP TO CITY WATER~~

~~SUBD. 1. All properties currently served with private wells for potable water needs shall be required to hook up at owners expense to the City water system within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by private wells which have available access to City water service as of the effective date of this ordinance (January 14, 1994) shall be required to hook up within one (1) year.~~

~~SEC. 4.13. ELECTRIC, TELEPHONE, TV CABLE AND OTHER SIMILAR UTILITY CONSTRUCTION TO BE UNDERGROUND.~~

~~SUBD. 1. UNDERGROUND CONSTRUCTION REQUIRED. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV Cable, or other similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer, or any person shall be installed and placed underground in an approved, safe manner, subject only to the exceptions hereinafter stated.~~

~~SUBD. 2. UTILITY COMPANIES. All companies installing and operating lines such as those described herein shall be referred to as "utility companies" for the purpose of this Section.~~

~~SUBD. 3. EXCEPTIONS TO APPLICATION. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:~~

~~A. Aboveground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed.~~

~~B. Aboveground placement, construction, modification or replacement of these lines commonly referred to as "high voltage" transmission lines upon which the conductor's normal operating voltage equals or exceeds 23,000 volts phase to phase shall be allowed, provided, however, that sixty days prior to commencement of construction of such a project, the Director of Public Works shall be furnished notice of the proposed and, upon request, the Utility Company shall furnish any relevant information regarding such project to the City Engineer.~~

~~C. Aboveground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas~~

~~where the Council, following consideration and recommendation by the Planning Commission finds that:~~

- ~~1. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.~~
- ~~2. Aboveground placement of temporary service line shall only be allowed:
 - ~~(a) During the new construction of any project for a period not to exceed twenty four months.~~
 - ~~(b) During an emergency to safeguard lives or property within the City.~~
 - ~~(c) For a period of not more than seven months when soil conditions make excavation impractical.~~~~

~~**SUBD. 4. REPAIR AND MAINTENANCE OF EXISTING INSTALLATION.** Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.~~

~~**SUBD. 5. DEVELOPER RESPONSIBILITY.** All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.~~

~~**SUBD. 6. PLACEMENT.**~~

- ~~A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services. Whenever feasible, all utilities shall be placed within the same trench.~~
- ~~B. All utility companies shall submit annually to the Director of Public Works current maps revealing locations of underground installation, whether such installations were installed prior to the adoption of this Section or hereafter.~~

~~Source: Ordinance 351, Second Series (Repeal & adoption of entire~~

~~Chapter 4)~~

~~Effective date: 1-14-94~~

SEC. 4.15 ACCESSORY STRUCTURES

SUBD. 3 DRIVEWAY, SIDEWALK, CURB, CURB CUT CONSTRUCTION

General Information:

- * Site plan with location of buildings, property lines, easements and new driveway ~~drawn~~ drawn to scale must be submitted with permit application.
- * Driveway shall not be more than (24' residential) and (32' commercial) in width where it meets the property line. Minimum width is 12' except where the existing curb cut is less, then the driveway width must meet the curb cut.
- * Driveways may extend to the side property line (zero setback).
- * ~~Where a driveway intersects a curb, gutter, apron or city sidewalk~~ Within the public right of way, 3,900 psi concrete mix must be used.
- * Minimum sidewalk thickness ~~where through~~ a driveway intersects is 6". All other sidewalks in the public right of way shall be constructed to a minimum 4 inch thickness.
- * ~~Install 1/2" expansion joints as noted on Drawing #184.~~ All driveways, sidewalks, and curbs within the public right of way shall be constructed in accordance with the standard City specifications on file in the office of the City Engineer.
- * All driveways must be hardsurface as approved by the City Engineer (asphalt, concrete).
- * Bituminous curbs and gutters are to be used when existing curbs and gutters are bituminous.
- * ~~Streets without curbs and gutters are to be used when existing curbs and gutters are bituminous.~~
- * Contractor must call for inspection after all forms are set up and expansion joints are in place, and before any concrete is installed.

SECTION 4.17 SURVEY INSPECTIONS

~~The City shall require a top of block inspection and a final grade inspection. The top of block survey inspection shall be paid for as part of the building permit fee. A top of block inspection shall be performed by a representative of the City to verify that garage slab elevation, top of block elevation, and lowest front and rear opening elevations meet the approved certificate of survey elevations submitted with the building permit application. This inspection shall be performed prior to the building being back filled. Failure of the top of block inspection will require the builder to take corrective action~~

before any additional building inspections will take place. The final grade inspection survey cost shall be an additional fee to be collected with building permit charges. The amount of the final grade inspection survey fee shall be set by the City Council by resolution.

A final grade inspection will be required prior to issuance of a Certificate of Occupancy. The final grade inspection shall be performed by a representative of the City to verify that lot corner elevations, breakpoints, swales, ponds, and other critical areas meet the approved development grading plan elevations, and meet the certificate of survey elevations submitted with the building permit application. The final grade inspection shall be performed prior to the lot being sodded. Failure of the final grade inspection may result in withholding the certificate of occupancy for the building.

Top of block and final grade inspection fees, including re-inspection charges, shall be set by the City Council by resolution.

SECTION 4.18 EROSION CONTROL

Prior to the start of any excavation for the construction or remodeling of a residential structure, the builder constructing or remodeling the home must have in place and functional, an approved method of erosion control in conformance with the erosion control plan submitted with the approved Certificate of Survey and meeting City requirements. Typical erosion control measures include silt fence, rock driveway construction access, inlet protection, and rock check dams. No footing inspection will be conducted for a residential structure until such erosion control is in place and functional.

Tracking of mud and material onto City streets shall be viewed as failure to maintain erosion control. The builder shall be responsible for cleaning tracked mud and material from streets. In addition, the builder shall be responsible for removing storm water runoff material and sediment from City right of ways resulting from failed or poorly maintained erosion control measures at the building site.

The builder constructing or remodeling the residential structure must maintain the erosion control, to the satisfaction of the City, throughout the entire building process. A representative of the City shall periodically inspect erosion control measures. If the erosion control is not being maintained to the City's satisfaction, the City will withhold additional inspections and/or the certificate of occupancy. Failure to install and maintain the erosion control shall be a violation of this Code and, in addition to withholding inspections or the certificate of occupancy, the City may also follow established procedures on issuing warnings or violation summons as deemed appropriate by the City.

Erosion control inspection fees and right of way sweeping and sediment removal fees shall be set by the City Council by resolution.

SECTION 10.27. SITE PLAN REVIEW PROCEDURE.

Every person, before commencing construction or major alterations of a structure, except one and two family dwellings and buildings accessory thereto, shall submit to the Community Development Division the following:

SUBD. 1. A detailed drawing drawn to scale showing pertinent existing conditions.

SUBD. 2. A complete set of scaled preliminary drawings that include at least the following:

- a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation and locations of principle and accessory buildings, landscaping, including trees and shrubbery with an indication of species, planting size and location.
- b) Fences, walls or other screening, including height and type of material.
- c) Lighting provisions, type and location.
- d) Curbs.
- e) Building elevations including materials proposed.
- f) Existing and proposed land elevations and drainage provisions, including:
 - (1) Plan showing existing and finish grades and surface drainage including overall final contours at a minimum of 2-foot intervals.
 - (2) Existing conditions surrounding the proposed development to a distance of 100 feet, including existing ground elevations, buildings, utilities, landscaping, trees, and drainageways.
 - (3) All drainage swales and critical drainage areas shall be clearly identified with grade and spot elevations.
 - (4) Erosion and sedimentation control plans which specify the control measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover. Erosion control plans shall be designated per City approved standards.
- g) Location and elevation of water and sewer connections of all existing and proposed utilities including, but not limited to, location and size of water mains, storm and sanitary sewers (including rim and invert elevations), fire hydrants, gas lines, electric and telephone poles, street lights, curbs, gutter, culverts, catch basins, manholes and other facilities. Site plans with significant private street and/or utility improvements shall be required to submit plan and profile construction drawings to the Public Works Division for review and approval.
- h) Location of existing and proposed fire hydrants and a fire protection system plan.
- i) Complete plans for storage of waste and garbage.
- j) Boundary line of property, clearly indicated, along with identifying any adjacent public and private streets, sidewalks, railroad right-of-way and drainage and utility easements and any other easements and their purpose.
- k) Existing benchmarks used for surveying the site plan.

SUBD. 3. The Community Development Division (CDD) shall review all site plans for the purpose of determining their compliance with the zoning ordinance. The Public Works Division shall review all site plans with respect to traffic and access issues, grading, drainage and storm sewer capacity, and sanitary sewer and water utility services. The developer shall establish an escrow account with the City to pay for site plan application and review costs, and inspection of grading, paving, utilities, and other civil improvements. The escrow amount shall be set by the City Council by resolution. Any escrowed funds remaining after City acceptance of the site improvements and issuance of a Certificate of Occupancy, or the developer canceling the project, shall be returned to the developer. If the initial escrowed amount is insufficient to complete site plan review and inspection of site civil improvements, the developer shall provide additional funds to be escrowed as requested by the City.

SUBD. 4. The CDD shall forward site plans to the Planning Commission for its review and recommendation to the City Council. After receiving the Commission's recommendation, the Council shall approve or reject the site plan. If the Council approves the plan and unless the Council states otherwise, all documents submitted and information contained therein shall constitute a condition of approval by the Council that must be complied with by the applicant. Any proposed variation from the approved plans must receive prior approval from the CDD or, where applicable, the Public Works Division. No occupancy permit shall be issued until all conditions of approval imposed by the Council have been satisfied by the applicant, except as provided by Subd. 45.

SUBD. 45. Based upon an approved site plan, the Public Works Division shall make a determination of the cost for site improvements including, but not limited to, earthwork, sewer and water extensions, storm sewer, paving, curbing, lighting, and landscaping. Before any occupancy permit shall be issued, the developer (i.e. applicant) shall provide the city with a performance bond, cash escrow, letter of credit or other form of security, approved by the City, in the amount of 125% of the estimated cost of any uncompleted site improvements.

SUBD. 56. Upon Council approval as provided in Subd. ~~34~~ of the site plan, the Council shall determine if a developer's agreement shall be required. Any developer's agreement required by this subdivision shall contain all conditions of approval imposed by the Council, shall be signed by the City and all parties having an interest in the subject property and shall be recorded by the City with the Dakota County Recorder's Office. All conditions imposed by the City Council shall run with the land and bind all successors in interest in the property.

(Sections 10.28 through 10.29, inclusive, reserved for future expansion).

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: April 7, 2003

Subject: Ordinance Amendments Chapter 10 – Moving language regarding fences and accessory buildings from Chapter 4 - Construction Regulations to Chapter 10 - Zoning Code.

As a part of the ordinance revisions to Chapters 4, 10, 11, and 12, language regarding fences and accessory buildings is being shifted from Chapter 4 to Chapter 10. There was some existing language about fences in the Zoning Code, so it was combined with the language from Chapter 4. The sections have undergone very little change. Language was added under the fence regulations regarding appropriate fence materials.

The new language was added to 10.05 APPLICATION OF DISTRICT REGULATIONS.

SECTION 10.05. APPLICATION OF DISTRICT REGULATIONS.

The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class of structure or land, except as hereinafter provided.

SUBD. 1. INTENT. No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be hereafter erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations herein specified for the district in which it is located.

SUBD. 2. BUILDING REGULATIONS. No structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open space than herein allowed; or in any other manner contrary to the provisions of this Chapter.

SUBD. 3. YARD AREA REGULATIONS. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

SUBD. 4. FENCES AND WALLS OR HEDGES.

- ~~a. Allowed, but shall not extend into public right of way. Notwithstanding other provisions of this Chapter, fences, walls and hedges are permitted in any yard, including a required yard, or along the edge of any yard, provided that no fence, wall or hedge shall extend into public right of way.~~
 - ~~b. Hazardous fences and walls. Hazardous fences and walls such as barbed wire, electric, chain link with barbs exposed, and walls with protruding sharp edges thereof, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City, except as follows: conventional barbed wire fences with barbs exposed are allowed with permission of the Council by simple resolution in Commercially zoned areas, and are allowed without permission of the Council in Industrial and Agriculturally zoned area.~~
- 1) Location. Fences are permitted, but shall not extend into public right of way. Notwithstanding other provisions of this Chapter, fences, walls and hedges are permitted in any yard, including a required yard, or along the edge of any yard, provided that no fence, wall or hedge shall extend into public right of way. Homeowners are responsible for establishing the location of property lines and demonstrating their location upon request of the inspector.
 - 2) Materials. All fences built or maintained on a residential property shall be constructed of materials capable of providing a finished appearance on the outward side visible to the public. All materials used to construct the fence shall be sound materials, resistant to rot, and capable of accepting and maintaining a visually attractive appearance. The fence shall be constructed in such a manner as to be capable of resisting the design wind loads for structures as defined by the state building code.
 - 3) Hazardous fences and walls. Hazardous fences and walls such as barbed wire, electric, chain link with barbs exposed, and walls with protruding sharp edges

thereof, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City, except as follows: conventional barbed wire fences with barbs exposed are allowed with permission of the Council by simple resolution in Commercially zoned areas, and are allowed without permission of the Council in Industrial and Agriculturally zoned area. Any fence constructed in violation of this section after the effective date shall be brought into compliance or removed as determined by the Planning Director.

- 4) Height Restrictions. The maximum height of any residential fence installed within the City of Hastings is 6 feet. Fences installed around swimming pools from ground up must be a minimum of 4 feet high and non-climbable with a self-closing, self-latching gate. Maximum height of all fences shall be in compliance with the city zoning code or as approved by the Planning Commission.
- 5) Special Consideration/Corner Lots. Fences that extend into front yards of corner lots **MUST NOT** impair traffic visibility. No fence or hedge shall be over 30" in height located within 25 feet each direction from a property corner fronting a street right of way. See drawing below.
- 6) Covenants. The City of Hastings does not enforce the private covenants of subdivisions. Homeowners should always check the covenants in their area for additional fence requirements.
- 7) Permits. A zoning permit is required for all fences installed in Hastings.

SUBD. 5. ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS –

Accessory Buildings and Structures shall meet the following requirements:

- 1) No accessory building shall be erected in any required front or side yard fronting a public street or right of way.
- 2) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- 3) Accessory structures, except fences meeting the requirements of Sec. 10.05 Subd. 4, shall not be placed in any easements.
- 4) All accessory structures, except fences, shall meet the setbacks listed in Table 1.
- 5) All accessory structures shall be setback at least 6 feet from all other structures.
- 6) At grade accessory structures such as basketball courts, patios, dog kennels shall meet the accessory structures setbacks listed in Table 1. These accessory structures are not included in the total allowable square footage allowed, as long as the total impervious surface of the lot does not exceed 35% for the rear yard. The rear yard shall be measured from the rear building line to the rear lot line.

- 7) Accessory structures shall have weather resistive exterior finishes that are durable and architecturally compatible with and similar in design, color, and material to the principle structure.
- 8) The side wall height of accessory structures shall be limited to 10 feet.
- 9) Accessory structures 120 square feet or less require a zoning permit. Structures over 120 square feet require a building permit.
- 10) The following Table (Table 1) shall determine the number, size and setbacks of accessory structures. In addition to the accessory structures listed in Table 1, one accessory storage structure up to 120 sq. feet in size, and swimming pools meeting the requirements of SEC. 4.15 ACCESSORY STRUCTURES Subd. 2 Swimming pools.

Table 1

| <u>Accessory Building/Structure Number, Size, and Setback Standards</u> | | | <u>Setbacks</u> | | |
|---|-----------------------------|-----------------------------|-----------------|---------------------|-------------|
| <u>Property Zoning</u> | <u>Number of Structures</u> | <u>Total Structure Size</u> | <u>Side</u> | <u>Corner Side*</u> | <u>Rear</u> |
| <u>A</u> | | | | | |
| <u>R-1, R-2, R-3, R-4, R-5</u> | <u>1</u> | <u>1,000 sq. ft.</u> | <u>5</u> | <u>10</u> | <u>5</u> |
| <u>R-6</u> | <u>1</u> | <u>1,000 sq. ft.</u> | <u>5</u> | <u>10</u> | <u>5</u> |
| <u>Multi-Family Commercial/ Office Districts</u> | <u>Site Plan Review</u> | <u>Site Plan Review</u> | | - | - |
| <u>Industrial Districts</u> | <u>Site Plan Review</u> | <u>Site Plan Review</u> | | | |

* Garages shall be setback 20 feet from the right of way.

SUBD. 5 6. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT. In any district, more than one structure housing a permitted principal use may be erected on a single lot provided that yard and other requirements of this Chapter shall be met for each structure as if it were on an individual lot.

SUBD. 6 7. EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations contained in Section 10.10 - District Use Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as otherwise allowed by the City Council.

SUBD. 7 8. STRUCTURES TO HAVE ACCESS. Every building hereafter erected or moved shall be on a lot next to a public street, or with access to a City allowed private street or driveway and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.

~~**SUBD. 8 Deleted in entirety 11-3-97 (Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage Parking & Storing Certain vehicles Misc. Mat'l equipment storage.**~~

SUBD. 9. Deleted in entirety 11-3-97 (~~Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage Parking & Storing Certain vehicles Misc. Mat'l equipment storage.~~

SUBD. 10. Deleted in entirety 11-3-97 (~~Adopted as a part of Newly adopted Chapter 18) Recreational Vehicle Storage Parking & Storing Certain vehicles Misc. Mat'l equipment storage~~

CHAPTER 11 SUBDIVISION REGULATION (PLATTING)

SEC. 11.03. PLAT PRESENTATION PROCEDURES.

SUBD. 2. PRELIMINARY PLAT APPROVAL.

- E. The submitted Preliminary Plat shall be reviewed by a representative of the Public Works Division with respect to street and utility layout, storm water control, grading, and erosion control. The subdivider shall establish an escrow account with the City to pay for Preliminary Plat review. The escrow amount shall be set by the City Council by resolution. Any escrowed funds remaining after the Preliminary Plat review has been completed shall be returned to the subdivider after Council approval of the Preliminary Plat or cancellation of the project. If the initial escrowed amount is insufficient to complete review of the Preliminary Plat, the subdivider shall provide additional funds to be escrowed for review costs. The Public Works Division shall review the Preliminary Plat and shall transmit a report of its review together with any supporting material to the Planning Commission prior to the meeting at which such Plat is considered.
- H. The Preliminary Plat must be acted on by the Council within 120 days after submittal to the City Planning Department. Upon approval of the Preliminary Plat, the subdivider shall provide the City a digital copy of the Preliminary Plat drawings in a City approved electronic format.

SUBD. 3. FINAL PLAT APPROVAL

- I. The subdivider shall furnish a duplicate hardshell copy, ~~and~~ one paper print, and a digital copy in a City approved electronic format of the Final Plat as recorded to the City Planning Department at the same time the original is submitted for recording.

SEC. 11.05. DESIGN STANDARDS.

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the city's development objectives for the entire area. Preliminary Plat designs shall be in accordance with the latest Public Works Design Manual, approved by the Council, and on file at the City. No Plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements at developer's sole expense which will, in the opinion of the Public Works Division, make the area completely safe for occupancy, and

provide adequate street and lot drainage and which satisfy all flood plain requirements.

SUBD. 1. CIRCULATION.

A. General Street Design.

1. The design of all streets shall be considered in their relation to the following: existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.
2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
3. Where adjoining areas are not subdivided the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

~~B. Street Width and Grades. The following standard of street design shall be followed by the subdivider:~~

| Street | Minimum | Minimum with | Maximum | Minimum |
|-------------------------|-------------------------|-------------------------|---------------------|--------------------|
| Category | Right of Way | of Pavement | Grade ** | Grade |
| Curve Radius | | | | |
| Arterial | 80 feet | 44 feet | 4% | |
| 0.5% | 600 feet | | | |
| Collector | 66 feet | 40 feet | 6% | 0.5% |
| 600 feet | | | | |
| Local | 60 feet | 28-36 feet* | 8% | 0.5% |
| 150 feet | | | | |

~~* To be based on traffic and parking needs determined with approval of the City Council based on recommendation from the Public Works Department.~~

~~** For safety considerations a lesser maximum grade may be required at or approaching intersections.~~

GB. Cul-de-sacs. Cul-de-sacs shall not be permitted unless there are specific engineering reasons to require them based on existing property condition, topography, or natural features. Maximum length of permanent cul-de-sac streets shall be 500 feet measured along the center line from the intersection or origin to end of right-of-way. Each Cul-de-sac shall be designed according to City Standards. Cul-de-sacs shall be required to have a landscaped island according to City specifications.

- ~~DC.~~ **Street Jogs.** Street jogs with center line offsets of less than 125 feet shall be avoided.
- ~~ED.~~ **Street Intersections.** Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 75 degrees. It must be evidenced that safe and efficient traffic flow is encouraged. No intersection shall contain more than four (4) corners.
- ~~F.~~ **Reverse Curves.** ~~Tangents of at least 100 feet in length shall be introduced between reverse curves on arterial or collector streets and 50 feet on lesser streets.~~
- ~~GE.~~ **Street Names.** Proposed streets obviously in alignment with existing and named streets shall bear the name of such existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities. Where a plat extends beyond existing streets, continuity of present street naming scheme shall be maintained. Street names shall be subject to the approval of the Public Works Director and the Fire Marshall.
- ~~HF.~~ **Private Streets.** Public improvements shall not be approved for any private street. Private drives and utilities shall be constructed according to approved City standards and shall be privately maintained.
- ~~IG.~~ **Local Service Drives.** Where a proposed plat is adjacent to a major thoroughfare, the Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.
- ~~JH.~~ **Access to Arterial and Collector Roadways.** Where a proposed plat is adjacent to an arterial or collector roadways as designated by the Hastings Comprehensive Plan, spacing between access points to such thoroughfares of less than 660 feet for collectors and 1,320 feet for arterials shall be avoided except where impractical or impossible due to existing property divisions or topography.
- ~~KI.~~ **Arterial and Collector Road Driveways.** Driveway access to arterial streets is strongly discouraged. Residential driveway access to collector streets should be avoided. If residential driveway access to arterial or collector streets is approved due to specific engineering reasons, topography or natural features, a 35 ft. setback from the property line shall be required, and the ~~driveways~~ driveways must be constructed with a turnaround.
- ~~L.~~ **Corners.** ~~Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.~~
- ~~MJ.~~ **Alleys.** Alleys may be permitted as part of planned residential developments (PRD).
- ~~NK.~~ **Hardship to Owners of Adjoining Property.** The street arrangements shall be such as to cause no hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- ~~OL.~~ **Pedestrian System.** A pedestrian walkway shall be provided between lots where required by the City Council to allow for pedestrian accessibility

to streets or public service areas. These pedestrian ways shall be graded to allow construction of concrete sidewalks or bituminous paths thereon and to meet established grades.

SEC. 11.06. REQUIRED IMPROVEMENTS.

SUBD. 4. DRAINAGE FACILITIES.

Storm sewer, ponding basins, and or other surface drainage facilities shall be installed as determined to be necessary by the Public Works Division for the proper drainage of surface waters. No storm drainage shall be carried over the street surface for a distance greater than 500 feet. ~~Storm drainage shall be assessed pursuant to Section 6.20 of the City Code.~~

SUBD. 7. SPECIFICATIONS - INSPECTIONS.

- A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. ~~The required improvement plan review fee as established by City Council resolution shall be paid at this time.~~ The Developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the review of the plans. The estimated cost of the plan review shall be determined by the Public Works Director. The City will pay all plan review costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the improvement project. If the funds deposited with the City are insufficient to cover the review costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.
- B. **Grading Inspection.** All development site grading one acre in size or larger shall be inspected by a City designated grading inspector, who will review and inspect maintenance of erosion control measures and compliance with City standards, and the approved grading plan and specifications. The Developer contracting these grading improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the inspection services prior to receiving approval to commence grading. The estimated cost of inspection services shall be determined by the Public Works Director. The City will pay all grading

inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the grading project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage. The Uniform Building Code grading permit fee and the construction permit erosion control inspection fee will be waived for those grading projects that require a grading inspection cash escrow.

- C. **As-Built Grading Plan.** Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded ~~elevations~~ elevations at all lot corners, critical elevations in drainageways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.
- GD. **Inspection of Public Improvements.** Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a City designated inspector for compliance with City standards, and the approved improvement plans and specifications. The Developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the inspection services prior to receiving approval to commence construction. The estimated cost of inspection services shall be determined by the Public Works Director. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.
- E. **As-Built Improvement Plan.** Upon completion of the required public improvements, the City inspector shall prepare a record as-built drawing of the constructed improvements.

SUBD. 8. REQUIRED SURETY.

- B. **City Financed and Constructed Improvements:** To request the City to design and construct improvements required under Section 11.06, the Developer must submit a petition for all improvements required as part of the development in accordance with State Law. The petition must be

submitted prior to October 15th of the year preceding the construction of improvements. Upon acceptance of the petition by the City Council and prior to commencement of City work on the improvement design, the Developer must post a letter of credit, cash escrow, or other approved form of surety with the City of Hastings in the amount of 125% of the estimated cost of engineering services to prepare a feasibility study and ~~draft plans and specifications, and to provide construction inspection, staking and contract management~~ for the improvement project. This surety shall be used to cover City costs incurred for the feasibility study and the design and construction of improvements should the Council decide not to order the improvement, or the Developer fail to complete the platting and grading of the proposed development by August 1 of the year in which the City Council ordered the improvements constructed.

DC. Maintenance Bond: Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from his contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.

~~**G. E. City Financed Improvements:** To request the City to design and construct improvements required under Section 11.06 the subdividor must submit a petition for all improvements required as part of the subdivision in accordance with State Law. The petition form may be secured from the Public Works Division. The petition must be submitted prior to October 1st of the year preceding the construction of improvements. The total maximum allowable costs, for complete improvements as required by this Chapter, which can be financed by City assessment procedures within any plat of subdivision per lot or parcel is determined by the City Council. The assessment shall be spread over a number of years as proscribed by the Council and that the unpaid balance shall bear interest in accordance with the statutes of the State of Minnesota in effect at that time. The cost of said improvements shall be the estimated cost for said improvements as computed by the Public Works Division. Any cost exceeding the amount authorized to be assessed by the City Council per lot or parcel shall be paid by the subdividor, in accordance with the following:~~

- ~~1. The subdividor shall submit prior to construction of improvements an executed subdivision development contract as required under paragraph "B" of this subdivision and the required cash escrow or performance bond to insure payment of costs.~~
- ~~2. Any variance from the required escrow procedure herein specified, because of unique development or true and certified higher land values or larger than average size lots as platted, but not to include higher improvements costs as a result of street alignment grades or soil conditions, resulting in higher construction costs, will be considered as stated in Section 11.08, Subdivision 3 "Variances".~~

D. **Privately Constructed Improvements:** In the event the subdivider elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements required under Subd. 11.06, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:

1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
2. The subdivider must retain a registered civil engineer to design ~~and inspect~~ the improvements ~~and to certify that the improvements were constructed in accordance with the approved plans.~~
3. Complete the required improvements within a two year period.
4. ~~Provide the City with reproducible as built drawings of the improvements within two months of completion of the improvements.~~

CHAPTER 12 UTILITIES

SEC. 12.05. ELECTRIC, TELEPHONE, TV CABLE AND OTHER SIMILAR UTILITY CONSTRUCTION TO BE UNDERGROUND.

SUBD. 1. UNDERGROUND CONSTRUCTION REQUIRED. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV Cable, or other similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer, or any person shall be installed and placed underground in an approved, safe manner, subject only to the exceptions hereinafter stated.

SUBD. 2. UTILITY COMPANIES. All companies installing and operating lines such as those described herein shall be referred to as "utility companies" for the purpose of this Section.

SUBD. 3. EXCEPTIONS TO APPLICATION. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

- A. Aboveground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed.
- B. Aboveground placement, construction, modification or replacement of these lines commonly referred to as "high voltage" transmission lines upon which the conductor's normal operating voltage equals or exceeds 23,000 volts-phase-to-phase shall be allowed, provided, however, that sixty days prior to commencement of construction of such a project, the Director of Public Works shall be furnished notice of the proposed and, upon request, the Utility Company shall furnish any relevant information regarding such project to the City Engineer.
- C. Aboveground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission finds that:
 1. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.
 2. Aboveground placement of temporary service line shall only be allowed:
 - (a) During the new construction of any project for a period not to exceed twenty-four months.
 - (b) During an emergency to safeguard lives or property within the City.
 - (c) For a period of not more than seven months when soil conditions make excavation impractical.

SUBD. 4. REPAIR AND MAINTENANCE OF EXISTING INSTALLATION. Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.

SUBD. 5. DEVELOPER RESPONSIBILITY. All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.

SUBD. 6. PLACEMENT.

- A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services. Whenever feasible, all utilities shall be placed within the same trench.
- B. All utility companies shall submit annually to the Director of Public Works current maps revealing locations of underground installation, whether such installations were installed prior to the adoption of this Section or hereafter.

SECTION 12.21. RULES AND REGULATIONS - WATER AND SEWER.

SUBD. 5. ~~SEWERAGE SERVICE OUTSIDE THE CITY.~~ ~~The Council may make contracts with responsible persons for the disposal of sewage from premises located outside the City.~~ **REMOTE READING TYPE WATER METER REQUIRED.**

In all construction, remote reading type water meters shall be installed at the expense of the owners. The water meter shall be purchased from the City, with the meter purchase price included in the construction permit fee. The water meter will be available for pick up by the contractor at the Public Works Garage during regular business hours. The meter shall be installed by a private contractor. Upon completion of meter installation, the contractor shall notify the Utility Department. The Utility Department will then install the remote reading device on the water meter. Water meter charges and remote reading device installation fees shall be set by the City Council by resolution.

SUBD. 6. INSPECTION. Notice ~~in writing~~ must be given to the City by every person who is constructing or altering any sewer or drain connected or proposed to be connected with the sewerage system when the work is ready for inspection and before rendering such inspection impossible by covering the work. Installation of water service lines four inches in diameter or greater will require inspection by a representative of the City's Public Works Division. This

inspection will include at a minimum, a hydrostatic pressure test or visual leak detection test at the discretion of the inspector. The contractor shall hire a City approved independent testing laboratory to collect and analyze a water sample to determine if the watermain is bacteriologically safe. The water sampling must be witnessed by the City's inspector. Water will remain shut off to the water service line until the City receives a passing report from the independent testing laboratory. Utility inspection fees, including re-inspection charges, shall be set by the City Council by resolution.

SUBD. 8. CONNECTION TO CITY SANITARY SEWER AND WATER MAINS.

- A. It is unlawful for any person not expressly authorized by the City to tap a water distribution main or sewage collection main.

- B. All individual connections to the sanitary sewer system and/or water system shall be charged access fees with the exception of fire services that only provide water to fire sprinkling systems. At the time of connection to the sanitary sewer system and/or water system, or expansions to existing sanitary sewer and water services that result in MCES sewer availability charges being levied, all necessary permits, licenses, and fees, including but not limited to water availability charges (WAC), ~~MWCC~~ MCES sewer availability charges (SAC), City sewer availability charges (SAC), meter charge and permit fee, shall be paid by the owner in addition to the fees provided for by Paragraph E, if applicable.
 - 1. The number of City SAC units and the number of WAC units charged at the time of connection to the sanitary sewer system and/or water system shall be equal to the number of ~~MWCC~~ MCES SAC units charged.
 - 2. Collected water availability charges and City sewer availability charges shall be used to fund water system and sanitary sewer system capital improvements.
 - 3. Water availability charges (WAC) and sanitary sewer connection fees shall be determined by the Council and adopted by resolution.

Source: Ordinance No. 336
Effective Date: 4-15-93

- C. All easement rights necessary to connect to the sanitary sewer and/or water system shall be acquired at the expense of the property owner.

- D. All costs related to the connection of the sanitary sewer service and/or water service to the property shall be borne by the property owner.

- E. Any property which is sought to be connected to the City sanitary sewer and/or water systems and which was not assessed for the sanitary sewer and/or water mains when they were installed shall, in addition to the charges listed in Paragraph B, be charged a connection fee equivalent to the front footage of the lot multiplied by the average annual rate of assessment being assessed for sanitary sewers and/or water mains during the year in which the connection is made. The annual rate of assessment shall be determined by the City Engineer.

Source: Ordinance No. 218, Second Series (Subd. 8)
Effective Date: February 12, 1987
Source: Ordinance No. 445, Second Series
Effective Date: June 21, 1999

SUBD. 9. SEWAGE AND WASTE CONTROL RULES AND REGULATIONS ADOPTED.

The Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System is hereby adopted by reference as though set forth verbatim herein. ~~Three copies of said Rules and Regulations shall be marked CITY OF HASTINGS OFFICIAL COPY and deposited on file in the office of the City Clerk and open to inspection and use by the public.~~

SUBD. 10. REQUIRED HOOK-UP TO CITY SANITARY SEWER

All properties currently served with on-site sewer systems shall be required to hook-up at owners expense to City sanitary sewer within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by on-site sewer systems which have available access to City sanitary sewer as of the effective date of this ordinance (January 14, 1994) shall be required to hook-up within one (1) year.

SUBD. 11. REQUIRED HOOK-UP TO CITY WATER

All properties currently served with private wells for potable water needs shall be required to hook-up at owners expense to the City water system within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by private wells which have available access to City water service as of the effective date of this ordinance (January 14, 1994) shall be required to hook-up within one (1) year.

City of Hastings
Notice of Public Hearing

**CHAPTER 4, CONSTRUCTION REGULATIONS; CHAPTER 10, LAND USE REGULATIONS
(ZONING); CHAPTER 11, SUBDIVISION REGULATIONS (PLATTING); AND CHAPTER 12
UTILITIES;
ORDINANCE AMENDMENTS**

Notice is here given that the Hastings City Council will meet in a public hearing at 7:00 PM on April 21, 2003, in the City Council Chambers located in the Hastings City Hall, 101 East 4th St. for reviewing a propose ordinance amending the Hastings City Code as following:

- 1. Chapter 4, Construction Regulations**
 - a. Adopting the new Uniform Building Code
 - b. Adding erosion control provisions including inspection fees
 - c. Explaining required survey inspections and establishing fees
 - d. Moving utility related construction regulations to Chapter 12, Utilities

- 2. Chapter 10, Land Use Regulations**
 - a. Amending required site plan submittals, requiring additional information and making submittal requirements conform more closely to building permit certificate of survey requirements and preliminary plat grading and existing conditions survey requirements.
 - b. Establishing escrow accounts to pay for review of submitted site plan and construction inspection of site plan improvements.

- 3. Chapter 11, Subdivision Regulations**
 - a. Establishing escrow accounts to pay for review of submitted preliminary plats.
 - b. Requiring submittal of approved preliminary plat and final plat drawings in an electronic format.
 - c. Removing technical design standards for streets and utilities and replacing them with a reference to a Council approved "*Public Works Design Manual*".
 - d. Establishing escrow accounts to pay for review of submitted plans and specifications for privately constructed public street and utility improvements.

- 4. Chapter 12, Utilities**
 - a. Moving utility related construction regulations from Chapter 4 to Chapter 12.
 - b. Updating remote reading water meter requirements.
 - c. Requiring Public Works Division inspection of large water services and establishing a fee for this inspection.
 - d. Clarifying sanitary sewer and water main connection fee charges.

Prior to the date of the hearing persons may view exhibits pertaining to this matter which are available at the Hastings City Hall between the hours of 8:00 a.m. and 4:30 p.m. Monday-Friday, excluding Holidays. Copies of exhibits may be obtained at the purchaser's expense.

All persons are welcome to attend this hearing and make comment.

Melanie Mesko Lee, City Clerk

Publish: Hastings Star Gazette, April 10, 2003

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: Public Hearing - Preliminary Plat and Final Plat #2003-17 – South Pines 5 – Replat of existing Townhome area northwest of Tuttle Drive and TH 316 (Ed McMenemy).

REQUEST

The City Council is asked to hold a public hearing to review the Preliminary and Final Plat , and vacation of easement request of Edward McMenemy to replat the townhome section of South Pines 4 (Blocks 1 and 2) located northwest of Tuttle Drive and Highway 316. The number of existing lots (58) and residential units (56), as well as street and right-of-way would remain unchanged. The vacation of easement request relates to blanket drainage and utility easement over the common association lots. The easement would be reestablished upon platting of South Pines 5.

RECOMMENDATION

The Planning Commission voted 6-0 to recommend approval of the proposal at the March 24, 2003 meeting with limited discussion. No one spoke for or against the item during the public hearing.

ATTACHMENTS

- Resolution – Preliminary and Final Plat Approval
- Resolution – Vacation of Easement
- Location Map
- Preliminary Plat
- Final Plat
- Original Phasing Plan ~ South Pines 4
- Townhome Background ~ Pulte Homes
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The property is designated U-I, Urban Residence (1-3 units per acre). Overall density for the entire South Pines Development is 2.6 units per acre.

Zoning Classification

The property is zoned R-2, Medium Density Residence. Single and two family dwellings are permitted uses in the district.

Adjacent Zoning and Land Use

The following land uses abut the property:

| Direction | Existing Use | Zoning | Comp Plan |
|------------------|---------------------|---------------------|------------------|
| North | Single Family Res. | R-2 – Med Dens Res. | U-II – Res Med. |
| East | MN Highway 316 | | |
| | Twin Homes | R-2 – Med Dens Res. | U-1 – Res Low |
| South | Tuttle Drive | | |
| | Single Family Res | R-1 – Low Dens Res. | U-1 – Res Low |
| West | Future Townhomes | R-2 – Med Dens Res. | U-1 – Res Low |

Existing Condition

The existing site has been mass graded and serviced with streets and utilities in conformance with the approval of South Pines 4.

Proposed Condition

Proposed changes are minimal. Existing streets, stormwater, and utilities would be unchanged.

Changes From Approved Plan

The length of the units has been increased by approximately 10 feet. Units have been moved approximately 10 feet closer to the right-of-way. The proposed 20 foot setback between units and right-of-way is adequate.

PRELIMINARY PLAT REVIEW

Planned Residential Development

The project was approved as a planned residential development as part of the original South Pines 4 approval. Planned Residential Developments allow deviations from

specific zoning provisions (setbacks, lot size, etc) as well as the ability to cluster units on a portion of a property at a density equivalent to the entire parcel. The intent is to provide a process, which will encourage the following:

- 1) **Variety:** Within a comprehensive site design concept a mixture of land uses, housing types and densities.
- 2) **Sensitivity:** Through the departure from the strict application of minimum lot requirements and other performance standards associated with traditional zoning, planned residential developments can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
- 3) **Efficiency:** The consolidation of areas for recreation and reductions in street lengths and widths and other utility related expenses.
- 4) **Density Transfer:** The project density may be clustered, basing density on number of units per acre versus specific lot dimensions.

Townhome Units

Pulte Homes proposes to construct and market the townhome units. The units would be two units attached one story with or without basements. Finished square feet would range from 1,162 – 1,569 s.f., with an approximate sales price range of \$170,000 - \$230,000 per unit. Elevations and unit information provided by Pulte are attached.

Access and Circulation

Proposed access and circulation is adequate. No changes are proposed from the approved South Pines 4 Plat. All units would have direct access from Martin Court and Sandpiper Circle. Direct access to Highway 316 and Tuttle Drive is not proposed and would be prohibited.

Grading, Drainage, and Erosion Control Plan

The Public Works Department has conducted a cursory review of the revised grading, drainage and erosion control plan. Only minor changes to the approved South Pines 4 Plan are proposed. Grading, Drainage, and Erosion Control plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Utilities

The Public Works Department has conducted a cursory review of the revised utility plan. Only minor changes to the approved South Pines 4 Plan are proposed. Utility plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Pedestrian Access

Pedestrian access is adequate. A sidewalk and trail have been constructed along the north and south sides of Tuttle Drive, respectively, as well a trail along the west side of Highway 316.

Public Land Dedication

Cash in lieu of land was paid during prior to recording of the South Pines 4 Final Plat. Since the number of units is unchanged, no additional park dedication is required.

Interceptor Sewer Fee

Sewer interceptor fees were paid during prior to recording of the South Pines 4 Final Plat. Since the number of units is unchanged, no additional sewer interceptor fees are required.

Lot Layout

Lot Layout is acceptable. Units are setback 20 feet from the right-of-way to ensure adequate parking. The configuration of Sandpiper Circle minimizes units directly backing Highway 316.

Landscape Plan

The landscape plan identifies boulevard tree plantings every 50 lineal feet along right-of-ways, and requires the planting of a front yard tree for every unit. The following additions are needed to comply with minimum requirements:

- 1) All boulevard and front yard trees must be a minimum of 2.0 caliper inches at time of planting.
- 2) All cul-de-sac islands must be landscaped. A home owners association or covenants must be established to ensure maintenance of plantings.
- 3) One front yard tree is required to be planted within 10-15' of the right-of-way line.

Homeowner Association\Covenants

A homeowner association and covenants must be established to ensure continued maintenance of all outlots and common areas.

Minnesota Department of Transportation Review

The Plat has been submitted for Minnesota Department of Transportation review. The applicant shall be required to address any outstanding MnDot Requirements.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
VACATING DRAINAGE AND UTILITY EASEMENTS IN SOUTH PINES 4**

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

WHEREAS, Ed McMenemy, Jr has petitioned for vacation of the following blanket drainage and utility easements:

Lot 37, Block 1; and Lot 21, Block 2, SOUTH PINES 4, Dakota County, Minnesota

WHEREAS, on April 21, 2003, a Public Hearing on the proposed vacation was held before the City Council of the City of Hastings; and

WHEREAS, the City of Hastings in all respects proceeded with the vacation hearing as provided by the Charter, ordinances and applicable Minnesota Statutes.

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

That the request to vacate the above described easement in SOUTH PINES 4 is hereby approved as presented effective of this date, subject to the following condition:

- 1) Establishment of drainage and utility easements through the recording of SOUTH PINES 5.

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.

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 21ST day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko
Administrative Assistant/City Clerk

(SEAL)

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

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE PRELIMINARY AND FINAL PLAT OF SOUTH PINES 5, A
RESIDENTIAL SUBDIVISION LOCATED NORTHWEST OF HIGHWAY 316 AND
TUTTLE DRIVE , HASTINGS, MINNESOTA**

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

WHEREAS, Edward B. McMenemy, Jr has petitioned for preliminary plat and final plat approval of SOUTH PINES 5, a residential subdivision consisting of 58 lots containing 56 town home units on land owned by Sam Hertogs generally located northwest of Minnesota Highway 316 and Tuttle Drive, legally described as Lots 1-37, Block 1; and Lots 1-21, Block 2; SOUTH PINES 4, Dakota County, Minnesota; and

WHEREAS, on March 24, 2003, a public hearing was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council held a public hearing on April 21, 2003 and concurs with the recommendation of the Planning Commission.

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

That the City Council hereby approves the preliminary plat and final plat of SOUTH PINES 5 subject to the following:

1. Tuttle Drive shall be fully constructed to city standards from Highway 316 to the westernmost intersection of Sandpiper Circle.
2. Provide a temporary or permanent road connection from the western extent of Sandpiper Circle to Tuttle Drive
3. Construction of temporary roads must be approved by the public works department and shall be constructed with a gravel\aggregate base at minimum and must be memorialized as a roadway easement.
4. A declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City before release of the final plat mylars to ensure maintenance of open space, median plantings, cul-de-sac plantings, common drives, and common utilities. The declaration shall include, but is not limited to, the following:
 - (a) A statement requiring the deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments be subject to the terms of the declaration.
 - (b) A provision for the formation of a property owners association or corporation and that all owners must be members of said association or corporation which may maintain all properties and common areas in good repair and which may assess individual property owners proportionate shares of joint or common costs. The association or corporation must remain in effect and may not be terminated or disbanded.
 - (c) Membership in the association shall be mandatory for each owner and any successive buyer.
 - (d) Any open space restrictions must be permanent and may not be changed or modified without city approval.
 - (e) The association is responsible for liability insurance, local taxes and the maintenance of the open space facilities deeded to it.
 - (f) Property owners are responsible for their pro-rata share of the cost of the association by means of an assessment to be levied by the association which meet the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
 - (g) The association may adjust the assessment to meet changing needs.

5. Dedication and construction of a trail along Highway 316 between 37th Street and Tuttle Drive.
6. Dedication and construction of a trail and sidewalk along Tuttle Drive as identified in the Preliminary Plat.
7. Submission of a schedule of square foot sizes for all platted lots.
8. Submission of certification of taxes paid in full for the property.
9. All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
10. The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
11. That the final plat hardshells shall be modified to illustrate MNDOT R.O.W. and restricted access.
12. Final review of the stormwater plan. The developer shall be responsible for any costs incurred by the city as a result of consultant review of the stormwater plan.
13. Approval by the Minnesota Department of Transportation of the before and after hydraulic computations for both 10 and 100 year storm events showing drainage paths, runoff coefficients, ponding calculations, and locations.
14. That the preliminary plat is subject to MNDOT review and shall incorporate any comments received into the final plat.
15. That the developer shall have separate water meter and water line installed for all irrigation systems.
16. Sewer interceptor fees paid during the recording of South Pines 4 shall satisfy requirements of South Pines 5.
17. Approval of a landscape plan for all cul-de-sac island areas by the Planning Director
18. Park Dedication fees paid during the recording of South Pines 4 shall satisfy requirements of South Pines 5.
19. Developer shall plant "boulevard" trees of at least 2.0 caliper inches according to the submitted tree plan. An escrow is required for any unplanted trees before a certificate of occupancy is issued.
20. One front yard tree of at least 2.0 caliper inches must be planted by the builder or developer

on every platted lot. An escrow is required for any unplanted trees before a certificate of occupancy is issued

21. That the Developer shall be required to address Dakota County's concerns about the abandoned irrigation well before grading permits are issued.
22. That the developer shall provide evidence that any septic systems and wells have properly abandoned on the property.
23. 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.
24. Development of the platted outlots shall be prohibited until replatted as lots of record.
25. Blanket drainage and utility easements shall be recorded against all outlots, unless they are further delineated to the satisfaction of the Public Works Director.
26. Execution of a development agreement to memorialize the conditions of the plat and to establish any applicable escrow amounts to guarantee the completion of site plan activities prior to issuance of any building permits.
27. Any uncompleted site work (including landscaping) must be escrowed for prior to issuance of a certificate of occupancy.
28. The Final Plat must be recorded with Dakota County within 90 days of City Council approval, or the approval is null and void.
29. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.

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

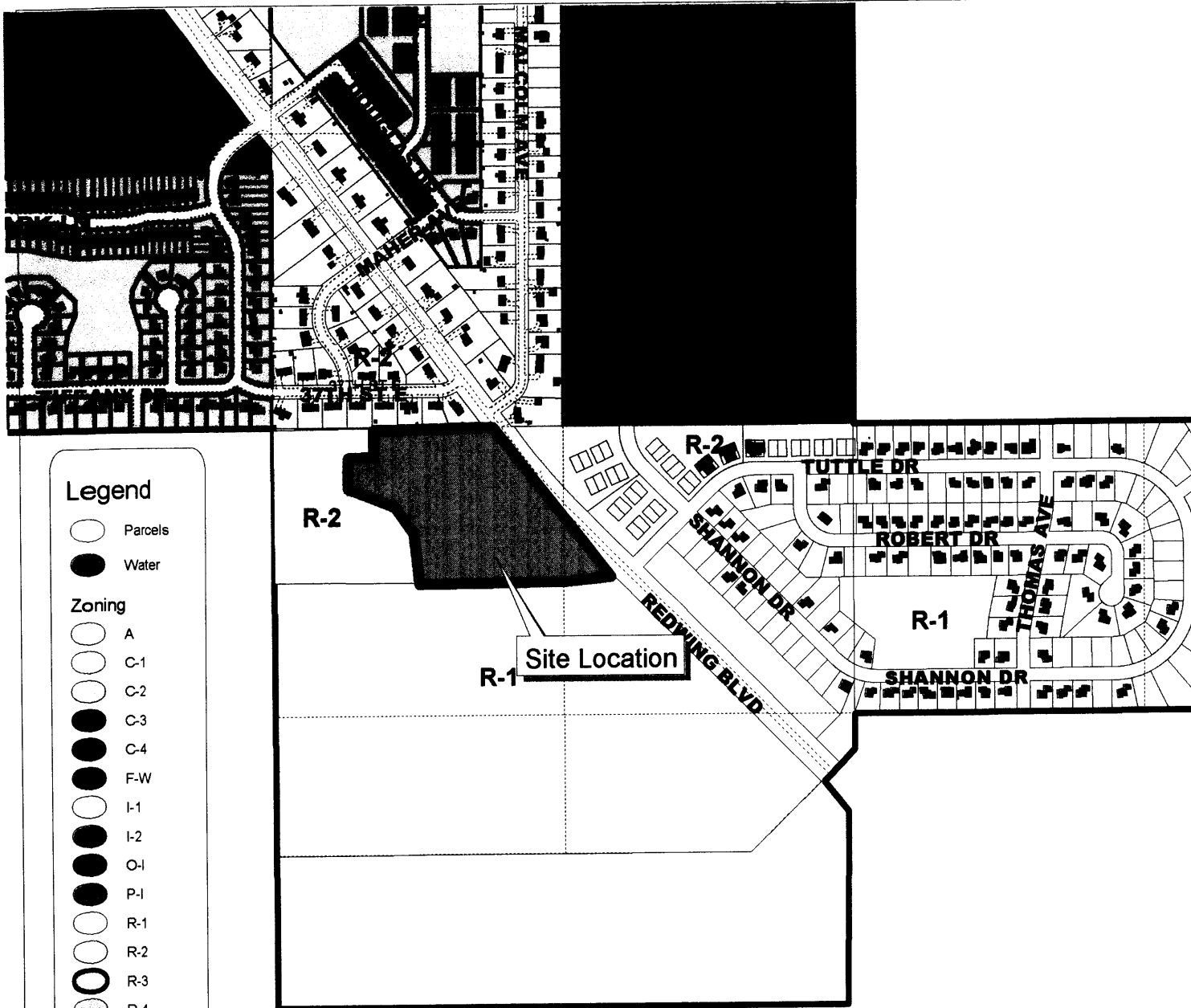
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

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

South Pines 5

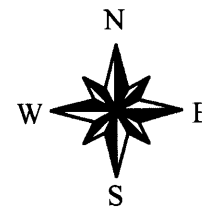
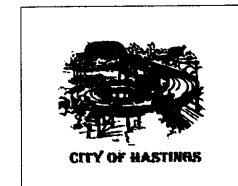


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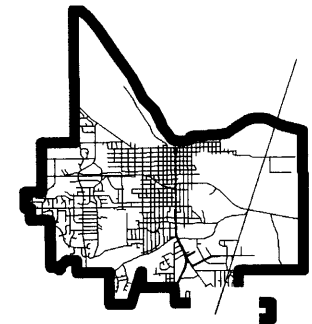
- Parcels
- Water
- Zoning**
- A
- C-1
- C-2
- C-3
- C-4
- F-W
- I-1
- I-2
- O-1
- P-1
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- ROW
- WAT

Legend

- Buildings
- Roads
- Parcels



Site Location



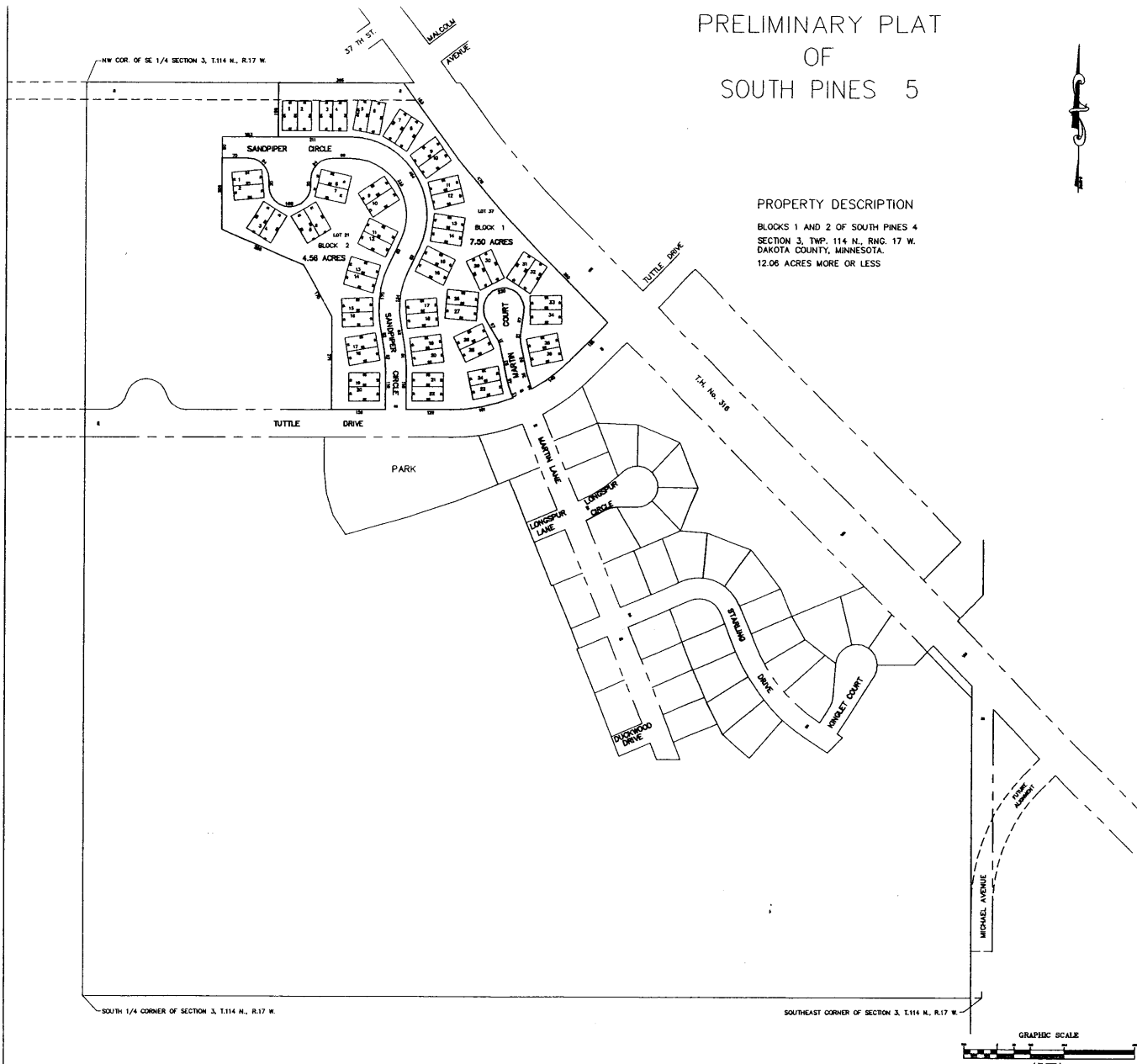
Map Date: March 19, 2003

PRELIMINARY PLAT
OF
SOUTH PINES 5



PROPERTY DESCRIPTION

BLOCKS 1 AND 2 OF SOUTH PINES 4
SECTION 3, TWP. 114 N., R. 17 W.
DAKOTA COUNTY, MINNESOTA
12.06 ACRES MORE OR LESS



GCG Engineering
Surveying
Planning

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

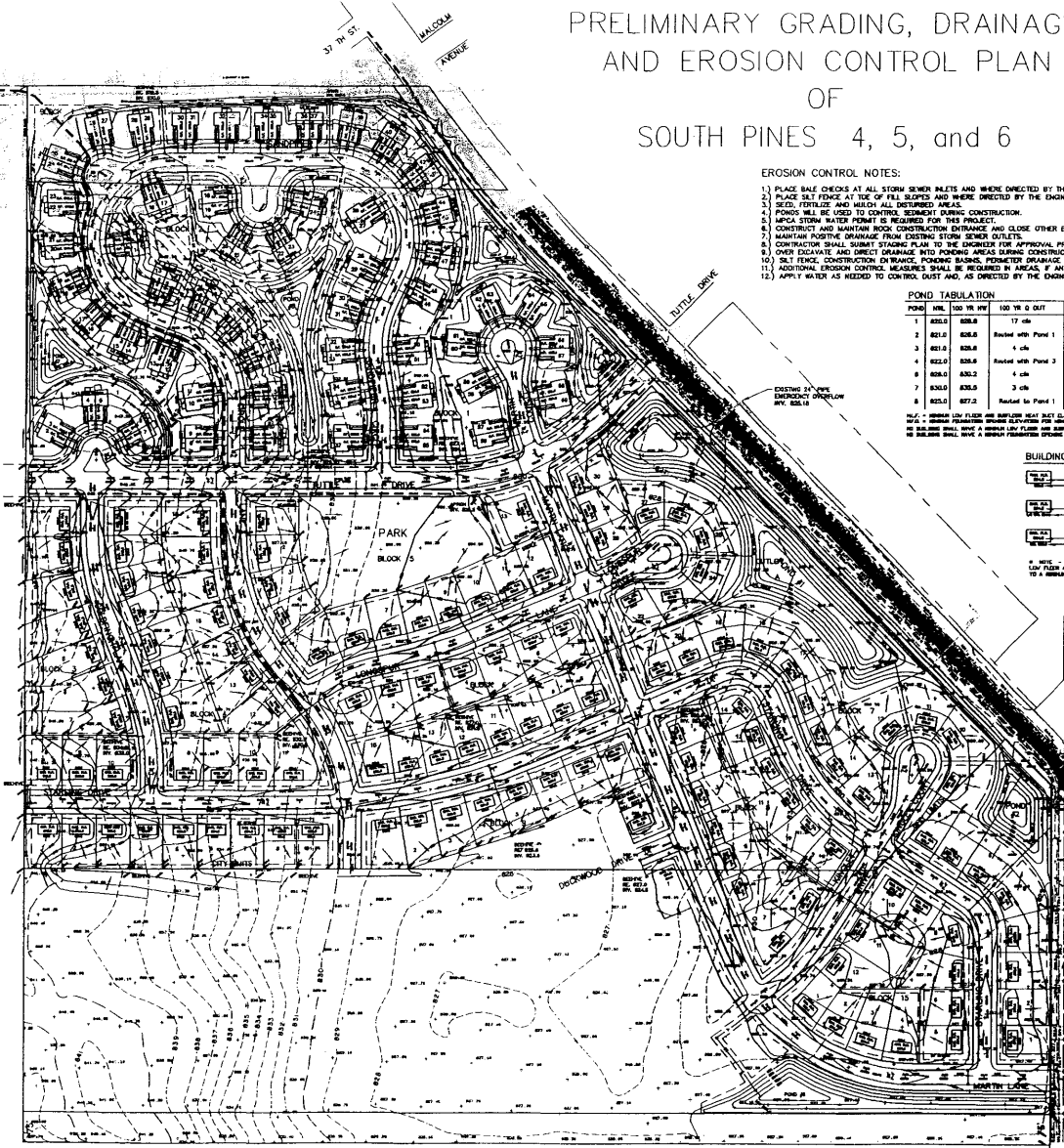


JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty
Hastings, MN 55033

PRELIMINARY PLAT
OF
SOUTH PINES 5

PRELIMINARY GRADING, DRAINAGE AND EROSION CONTROL PLAN OF SOUTH PINES 4, 5, and 6



EROSION CONTROL NOTES:

- 1) PLACE BALE CHECKS AT ALL STORM SEWER ALETS AND WHERE DIRECTED BY THE ENGINEER.
- 2) PLACE SILT FENCE AT THE UP HILL SLOPE AND WHERE DIRECTED BY THE ENGINEER.
- 3) SEED, FERTILIZE AND MULCH ALL DISTURBED AREAS.
- 4) PONDING MUST BE USED TO CONTROL SEDIMENT DURING CONSTRUCTION.
- 5) APPLICABLE STORM WATER PERMIT IS REQUIRED FOR THIS PROJECT.
- 6) CONSTRUCT AND MAINTAIN PROOF CONSTRUCTION ENTRANCES AND CLOSE OTHER ENTRANCES.
- 7) MAINTAIN POSITIVE DRAINAGE FROM EXISTING STORM SEWER OUTLETS.
- 8) CONSTRUCTORS SHALL SUBMIT STAGING PLAN TO THE ENGINEER FOR APPROVAL PRIOR TO STARTING ANY WORK.
- 9) OWNER EXCAVATE AND DIRECT DRAINAGE INTO PONDING AREAS DURING CONSTRUCTION TO PROVIDE CONTROL OF SEDIMENT.
- 10) SILT FENCE CONSTRUCTION ENTRANCE, PONDING BASINS, PERIMETER DRAINAGE SWALES ARE TO BE CONSTRUCTED FIRST.
- 11) ADDITIONAL EROSION CONTROL MEASURES SHALL BE REQUIRED IN AREAS IF AN EROSION PATTERNS OCCURS.
- 12) APPLY WATER AS NEEDED TO CONTROL DUST AND, AS DIRECTED BY THE ENGINEER.

POND TABULATION

| POND | 100 YR INP | 100 YR O OUT | MLF | MLFD |
|------|------------|--------------|-------------------|-------|
| 1 | 820.0 | 820.8 | 17 cfs | 820.0 |
| 2 | 822.0 | 826.8 | Rated with Pond 1 | 822.0 |
| 3 | 823.0 | 828.8 | 4 cfs | 823.0 |
| 4 | 822.0 | 826.8 | Rated with Pond 3 | 822.0 |
| 6 | 828.0 | 830.2 | 4 cfs | 827.0 |
| 7 | 830.0 | 830.0 | 3 cfs | 829.0 |
| 8 | 825.0 | 827.2 | Rated to Pond 1 | 826.0 |

NOTE: THE PONDING SHALL BE CONSTRUCTED FOR THE PONDING TO BE FORMED BY THE EXCAVATION OF THE AREAS SHOWN ON THIS PLAN. THE PONDING SHALL BE CONSTRUCTED TO THE ELEVATION SHOWN IN THE TABLE ABOVE. THE PONDING SHALL HAVE A MINIMUM PERIMETER DRAINAGE ELEVATION AS SHOWN.

BUILDING TYPICALS

- | | |
|----|-----------------------|
| B1 | BASED ON 100 YR INP |
| B2 | BASED ON 100 YR O OUT |
 - | | |
|----|-----------------------|
| B3 | BASED ON 100 YR INP |
| B4 | BASED ON 100 YR O OUT |
 - | | |
|----|-----------------------|
| B5 | BASED ON 100 YR INP |
| B6 | BASED ON 100 YR O OUT |
- NOTE: - ALL BUILDING TYPICALS SHALL BE CONSTRUCTED TO THE ELEVATION SHOWN IN THE TABLE ABOVE. THE BUILDING TYPICALS SHALL HAVE A MINIMUM PERIMETER DRAINAGE ELEVATION AS SHOWN.



GCC Engineering Surveying

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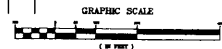
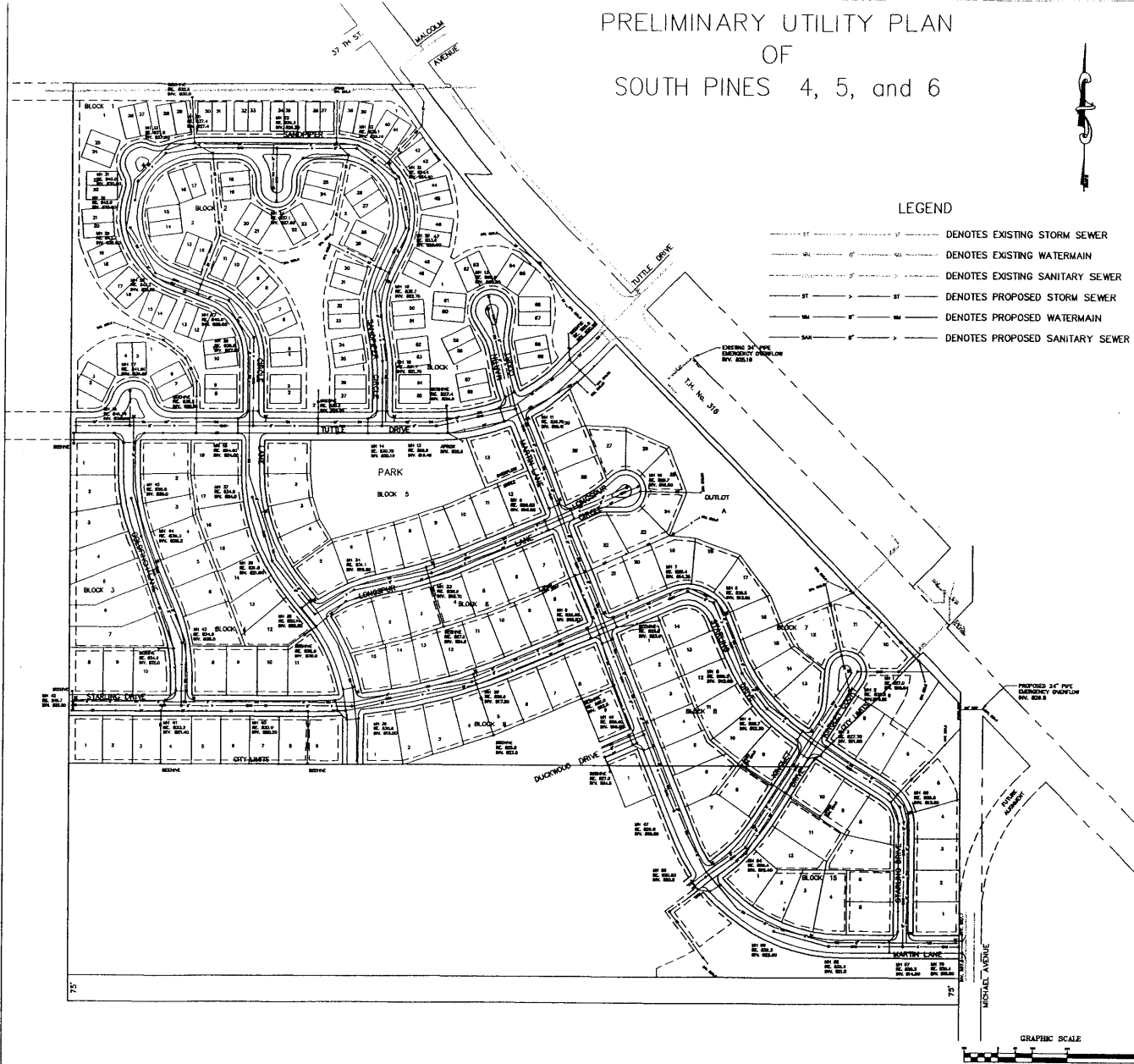
PRELIMINARY GRADING,
DRAINAGE AND EROSION
CONTROL PLAN OF
SOUTH PINES 4, 5, and 6

PRELIMINARY UTILITY PLAN OF SOUTH PINES 4, 5, and 6



LEGEND

- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATERMAIN
- DENOTES EXISTING SANITARY SEWER
- DENOTES PROPOSED STORM SEWER
- DENOTES PROPOSED WATERMAIN
- DENOTES PROPOSED SANITARY SEWER



GGG Engineering
Surveying

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JOHNSON & SCOFIELD INC.
LAND SURVEYORS

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Prepared For:
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Lawrence Construction and Realty

PRELIMINARY UTILITY PLAN
OF
SOUTH PINES 4, 5, and 6

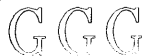
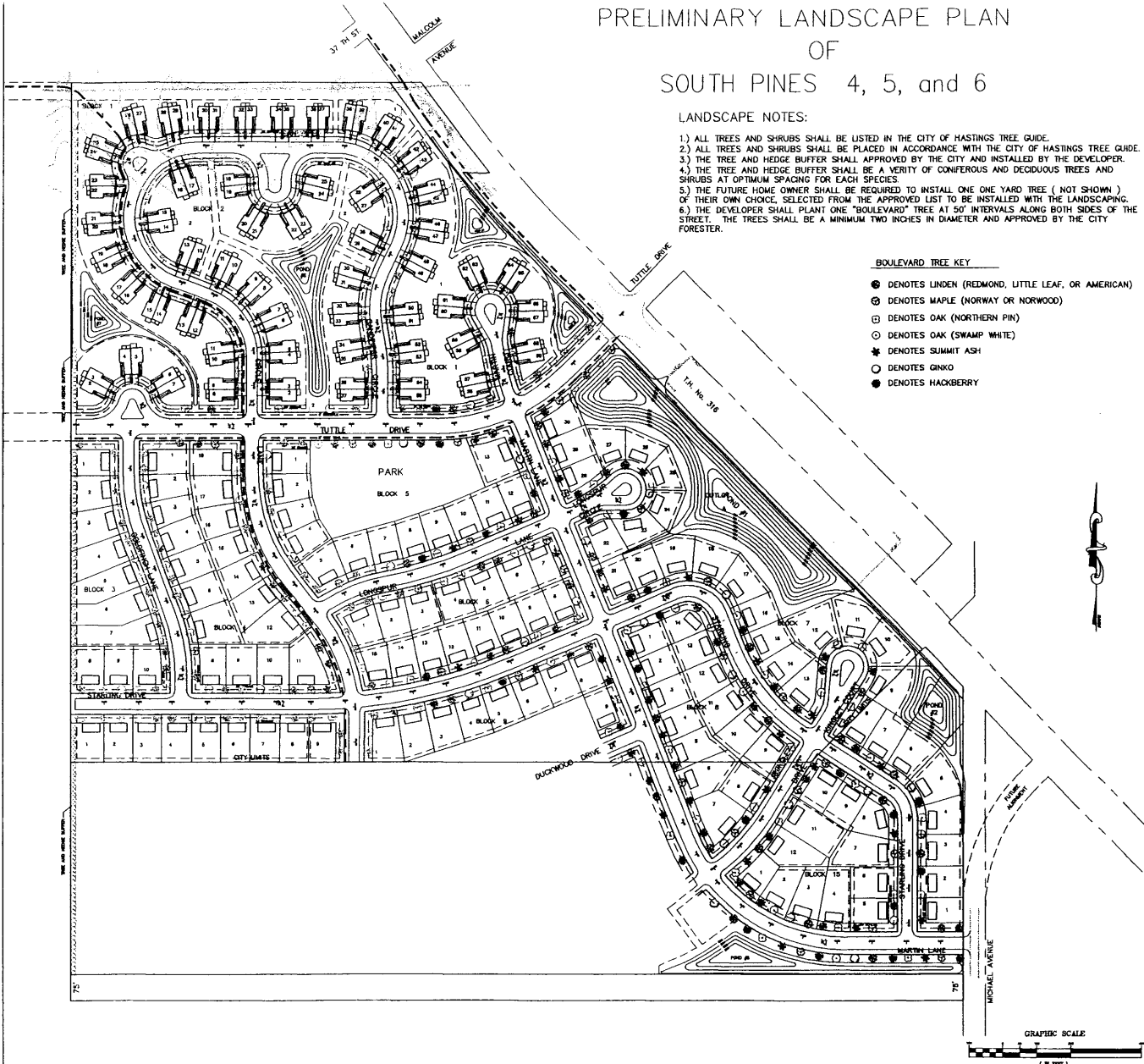
PRELIMINARY LANDSCAPE PLAN OF SOUTH PINES 4, 5, and 6

LANDSCAPE NOTES:

- 1.) ALL TREES AND SHRUBS SHALL BE LISTED IN THE CITY OF HASTINGS TREE GUIDE.
- 2.) ALL TREES AND SHRUBS SHALL BE PLACED IN ACCORDANCE WITH THE CITY OF HASTINGS TREE GUIDE.
- 3.) THE TREE AND HEDGE BUFFER SHALL APPROVED BY THE CITY AND INSTALLED BY THE DEVELOPER.
- 4.) THE TREE AND HEDGE BUFFER SHALL BE A VARIETY OF CONIFEROUS AND DECIDUOUS TREES AND SHRUBS AT OPTIMUM SPACING FOR EACH SPECIES.
- 5.) THE FUTURE HOME OWNER SHALL BE REQUIRED TO INSTALL ONE ONE YARD TREE (NOT SHOWN) OF THEIR OWN CHOICE, SELECTED FROM THE APPROVED LIST TO BE INSTALLED WITH THE LANDSCAPING.
- 6.) THE DEVELOPER SHALL PLANT ONE "BOULEVARD" TREE AT 50' INTERVALS ALONG BOTH SIDES OF THE STREET. THE TREES SHALL BE A MINIMUM TWO INCHES IN DIAMETER AND APPROVED BY THE CITY FORESTER.

BOULEVARD TREE KEY

- ⊙ DENOTES LINDEN (REDMOND, LITTLE LEAF, OR AMERICAN)
- ⊗ DENOTES MAPLE (NORWAY OR NORWOOD)
- ⊖ DENOTES OAK (NORTHERN PIN)
- ⊕ DENOTES OAK (SWAMP WHITE)
- ⊛ DENOTES SUMMIT ASH
- ⊘ DENOTES GINKO
- ⊙ DENOTES HACKBERRY



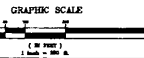
**Engineering
Surveying**

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**JOHNSON & SCOFIELD INC.
LAND SURVEYORS**

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty

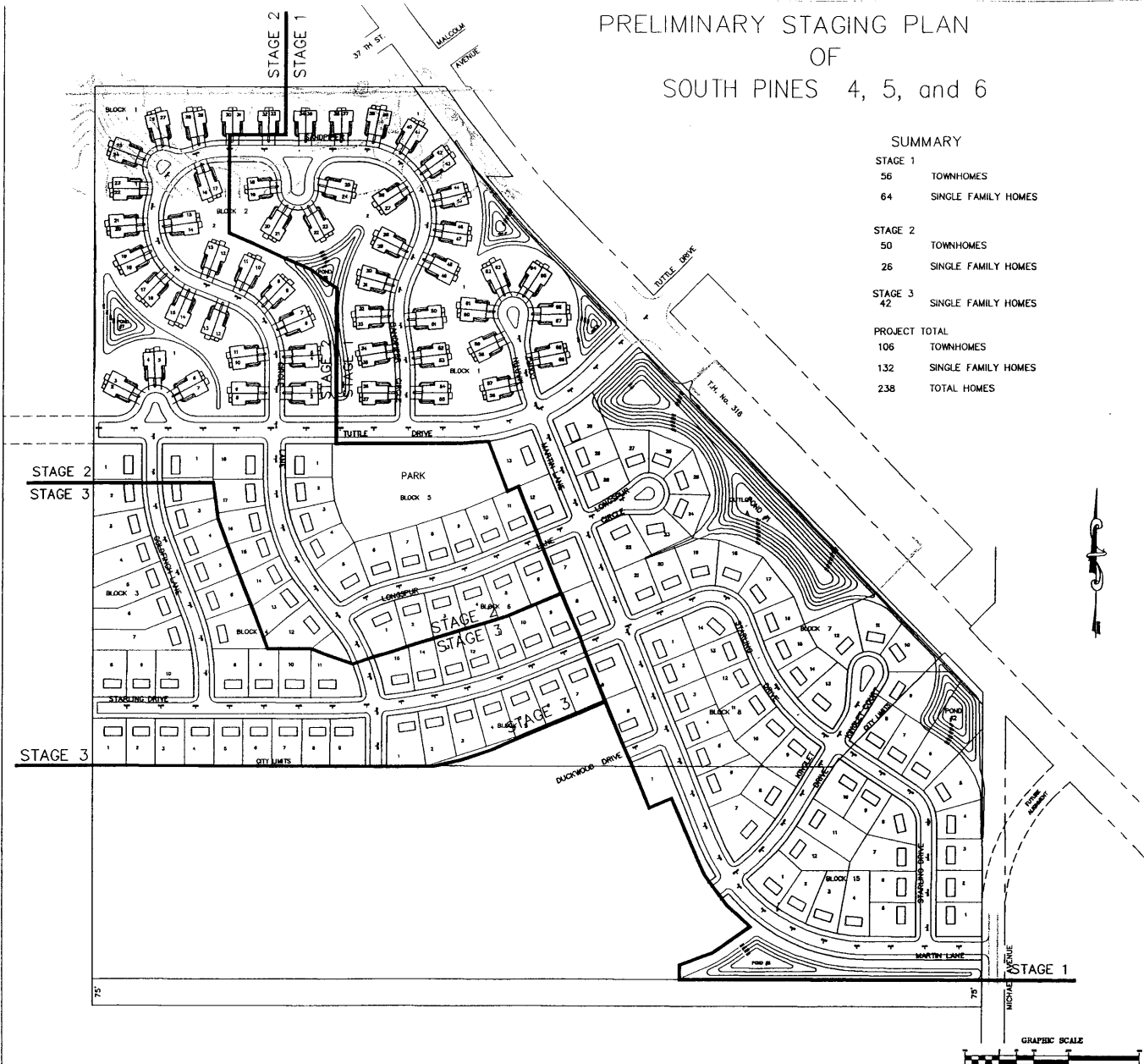


PRELIMINARY
LANDSCAPE PLAN
OF
SOUTH PINES 4, 5, and 6

PRELIMINARY STAGING PLAN OF SOUTH PINES 4, 5, and 6

SUMMARY

| | |
|----------------------|---------------------|
| STAGE 1 | |
| 56 | TOWNHOMES |
| 64 | SINGLE FAMILY HOMES |
| STAGE 2 | |
| 50 | TOWNHOMES |
| 26 | SINGLE FAMILY HOMES |
| STAGE 3 | |
| 42 | SINGLE FAMILY HOMES |
| PROJECT TOTAL | |
| 106 | TOWNHOMES |
| 132 | SINGLE FAMILY HOMES |
| 238 | TOTAL HOMES |



GCG Engineering Surveying

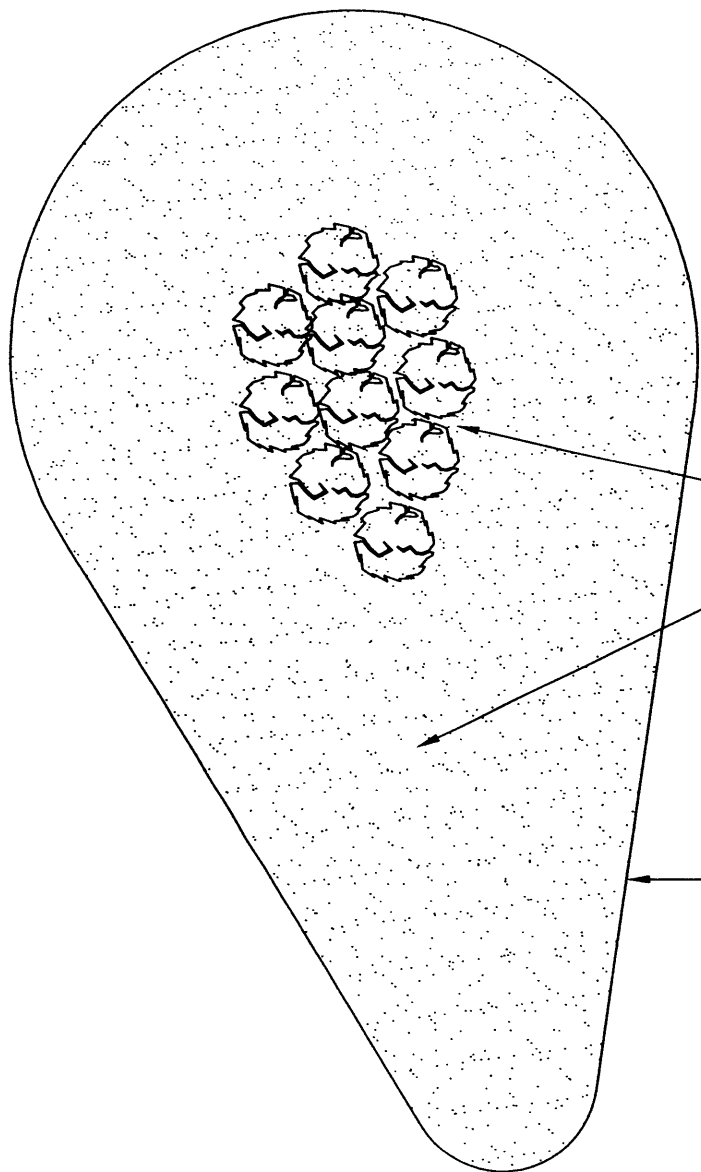
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI.



JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty

PRELIMINARY STAGING PLAN OF SOUTH PINES 4, 5, and 6



10 CHINESE LILACS, 14' FROM CURB

PLACE 3" THICK LANDSCAPING ROCK OVER LANDSCAPING FABRIC

BACK OF CURB

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.



Engineering
Surveying
Planning

14070 Hwy. 52 S.E. Chatfield, Mn. 55923

Ph. 507-867-1666

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ REG. NO. _____

ISLAND LANDSCAPING PLAN

SOUTH PINES 5

LATEST REVISION: 4-12-03

SHEET 1 OF 1 SHEETS

SOUTH PINES 5

KNOW ALL MEN BY THESE PRESENTS: That Samuel H. Hertogs and Shirley J. Hertogs, husband and wife, Paul W. Lawrence and Delores Lawrence, husband and wife, William J. Crist and Mary A. Crist, husband and wife, and McMenemy and Hertogs, Incorporated, a Minnesota Corporation, owners and proprietors of the following described property situated in the County of Dakota, State of Minnesota, to wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, Block 1, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, Block 2, all in SOUTH PINES 4, according to the recorded plat thereof, on file in the office of the Registrar of Titles, Dakota County, Minnesota.

Have caused the same to be surveyed and platted as SOUTH PINES 5 and do hereby dedicate to the public, for public use forever, easements as shown on this plat for drainage and utility purposes only, and dedicate to the state of Minnesota the right of access as shown on the plat.

In witness whereof said Samuel H. Hertogs and Shirley J. Hertogs, husband and wife, have hereunto set their hands this _____ day of _____, 20____

Samuel H. Hertogs Shirley J. Hertogs

In witness whereof said Paul W. Lawrence and Delores Lawrence, husband and wife, have hereunto set their hands this _____ day of _____, 20____

Paul W. Lawrence Delores Lawrence

In witness whereof said William J. Crist and Mary A. Crist, husband and wife, have hereunto set their hands this _____ day of _____, 20____

William J. Crist Mary A. Crist

In witness whereof said McMenemy and Hertogs, Incorporated, a Minnesota Corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 20____

By _____ its _____

By _____ its _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Samuel H. Hertogs and Shirley J. Hertogs, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Paul W. Lawrence and Delores Lawrence, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by William J. Crist and Mary A. Crist, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ the _____ of _____ and _____ the _____ of _____ of McMenemy and Hertogs, Incorporated, a Minnesota Corporation, on behalf of said Corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as SOUTH PINES 5; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on said plat and there are no wet lands, as defined in Minnesota Statutes, Section 555.02, Subd. 1, or public highways to be designated other than as shown.

Alan K. Scofield, Land Surveyor
Minnesota License Number 15473

STATE OF _____
COUNTY OF _____
The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____, by Alan K. Scofield, Land Surveyor, License Number 15473.

Notary Public, _____ County, Minnesota
My Commission Expires January 31, 2005

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, this _____ day of _____, 20____

By _____ By _____
Chairperson Secretary

We do hereby certify that on the _____ day of _____, 20____, the City Council of Hastings, Minnesota, approved this plat.

By _____
Mayor

By _____
Clerk

Pursuant to Chapter 383D.65, Minnesota Statutes, this plat has been approved this _____ day of _____, 20____

By _____
Fred M. Johnson, Dakota County Surveyor

I hereby certify that all taxes for the year _____ on the land described on this plat as SOUTH PINES 5, have been paid and no delinquent taxes are due and transfer entered on this day of _____, 20____.

By _____
County Treasurer-Auditor, Dakota County, Minnesota
Document Number _____ Certificate Number _____

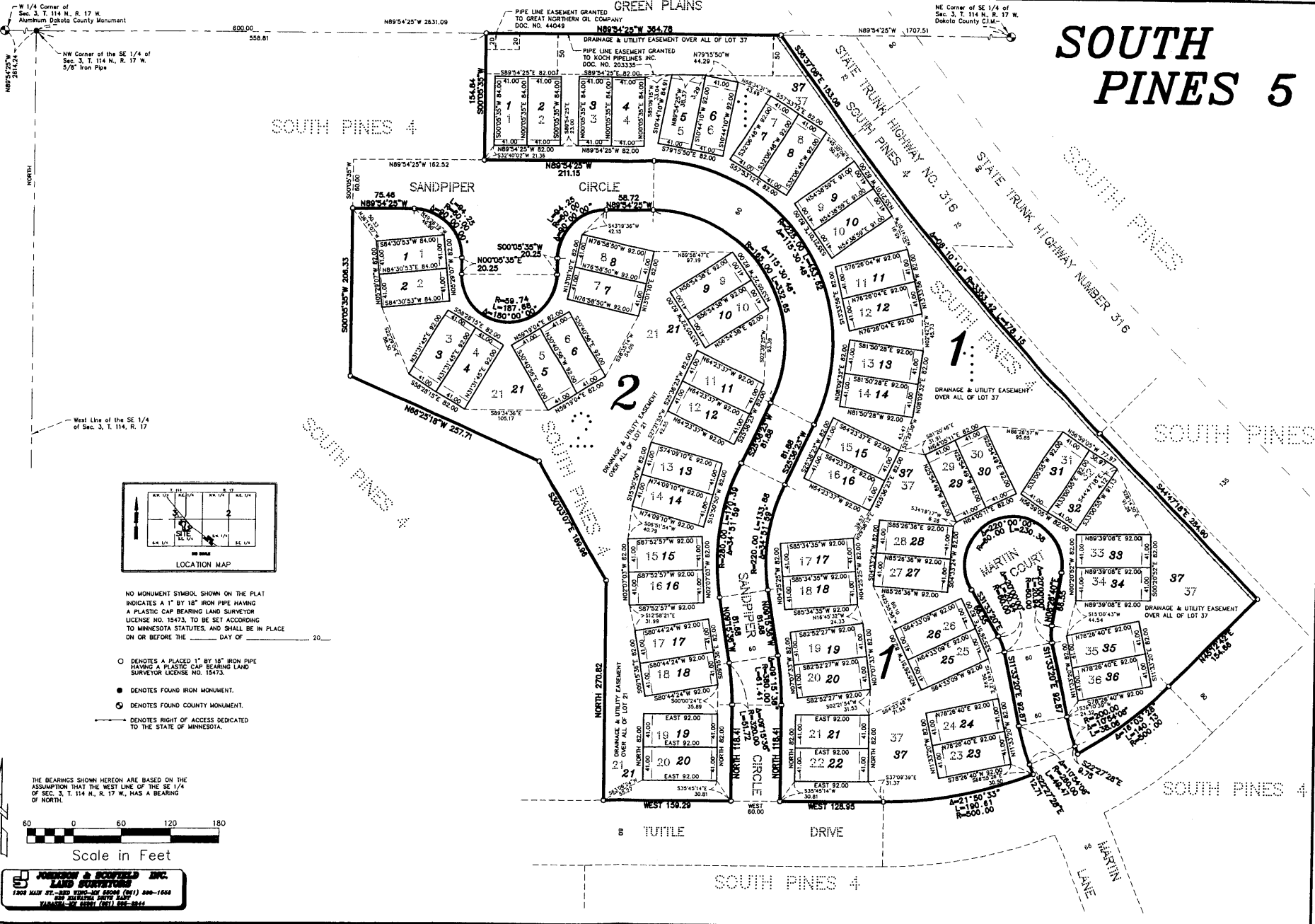
I hereby certify that this instrument was filed in the office of the Registrar of Titles for record this _____ day of _____, 20____, at _____ o'clock _____ m., and was duly recorded in Book _____ on page _____

By _____
Registrar of Titles, Dakota County, Minnesota



GREEN PLAINS

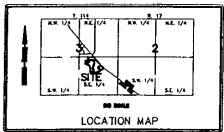
SOUTH PINES 5



NW Corner of the SE 1/4 of Sec. 3, T. 114 N., R. 17 W. Aluminum Dakota County Monument 5/8" Iron Pipe

NE Corner of SE 1/4 of Sec. 3, T. 114 N., R. 17 W. Dakota County C.I.M.

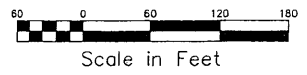
West Line of the SE 1/4 of Sec. 3, T. 114 N., R. 17



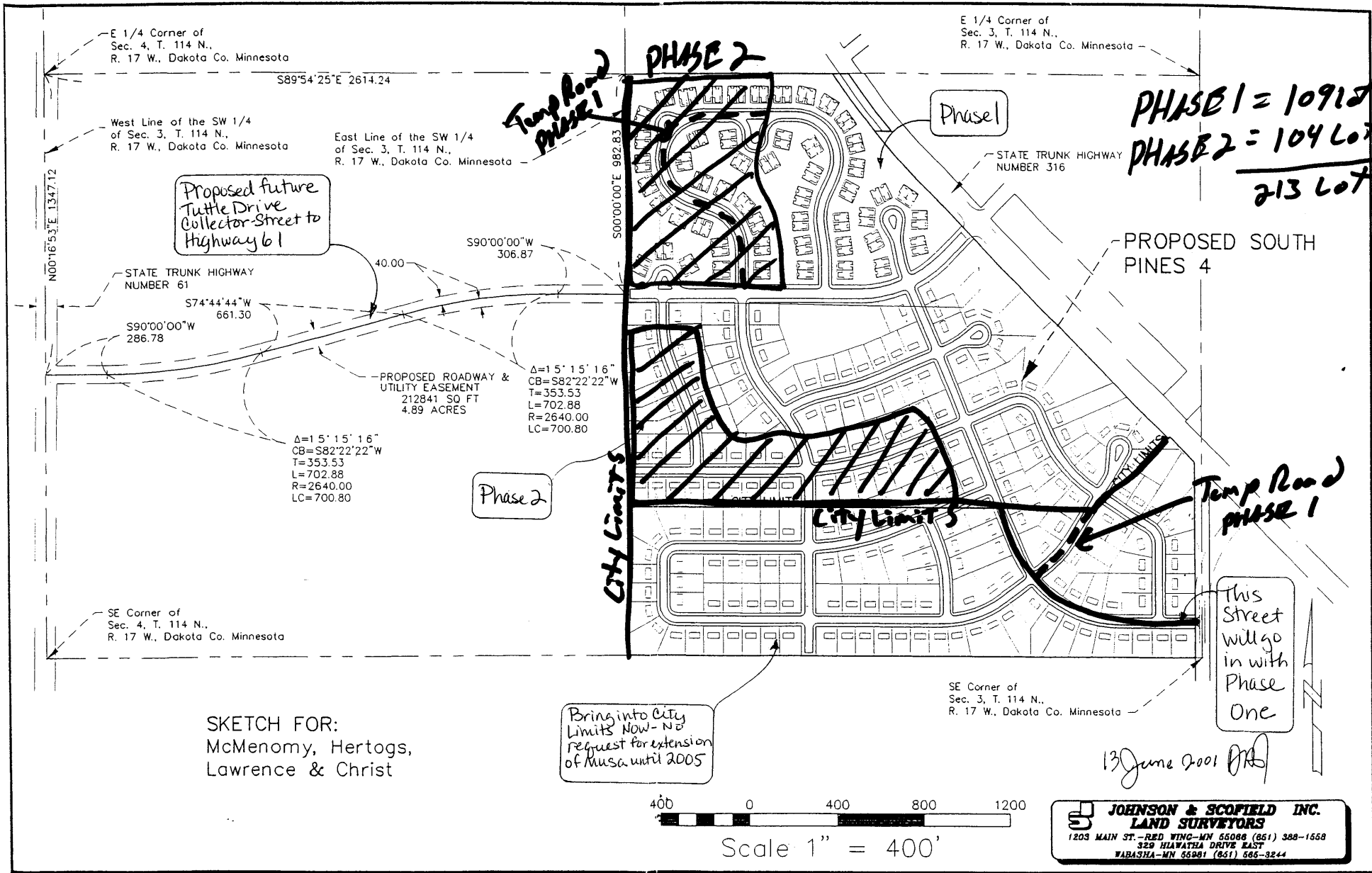
NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES A 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 15473, TO BE SET ACCORDING TO MINNESOTA STATUTES, AND SHALL BE IN PLACE ON OR BEFORE THE _____ DAY OF _____, 20__

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 15473.
- DENOTES FOUND IRON MONUMENT.
- DENOTES FOUND COUNTY MONUMENT.
- DENOTES RIGHT OF ACCESS DEDICATED TO THE STATE OF MINNESOTA.

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE SE 1/4 OF SEC. 3, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



JOHNSON & SCOFFIELD INC. LAND SURVEYORS
 1308 MAIN ST., SUITE 200 - ST. CLOUD, MN 56301 (811) 888-1668
 809 WESTFORD, NORTH DAKOTA
 FARGO, ND 58103 (701) 692-1844



PHASE 1 = 109 LOTS
 PHASE 2 = 104 LOTS
 213 LOTS

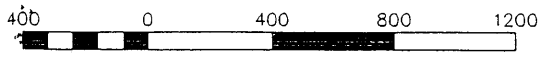
Temp Road
 PHASE 1

This Street will go in with Phase One

Bring into City Limits NOW - NO request for extension of Musa until 2005

13 June 2001

SKETCH FOR:
 McMemony, Hertogs,
 Lawrence & Christ



Scale 1" = 400'

JOHNSON & SCOFIELD INC.
LAND SURVEYORS
 1203 MAIN ST. - RED WING - MN 55086 (651) 388-1558
 329 HIAWATHA DRIVE EAST
 WARSAW - MN 55081 (651) 585-3244

Approved Phasing Plan

CLUB HOME
2 Units per Building



Lead 3/18/03



Club Homes:

CLUB HOME DESCRIPTION:

One story with or without a basement
Finished square foot range: 1,162 – 1,569 Sq. ft.
Approximate sales price range: \$170,000 - \$230,000

Demographics of a typical Club Home buyer:

AGE:

28% are under age 50
60% are ages 50-70
The remaining buyers are over 70 years old

RETIREMENT STATUS:

28% of buyers are retired
8% will retire within 5 years

MARITAL & FAMILY STATUS:

59% are married/coupled at the time of purchase
27% are single

CHILDREN LIVING AT HOME:

24% report children living at home
There is an average of .28 children per household and one-half of these children are under 5 years old

INCOME:

33% earn less than \$50,000 per year at the time of purchase
33% earn \$50-70,000 per year
The remaining buyers earn over \$70,000 per year

EDUCATION LEVEL:

26% have a high school diploma
42% have some college
The remaining buyers have a 4-year degree or higher

HOUSING TENURE:

18% are renting at the time of purchase
8% are first-time buyers
9% come from an apartment
59% come from a single family detached (SFD) home
30% come from a condo or town home

REASON TO SEARCH FOR NEW / DIFFERENT HOME:

27% wanted a smaller home
22% wanted exterior care provided

Psychographics of a typical Club Home buyer:

ON-SLAB

It's important to understand that many of these buyers don't *want* to move - they have to. The aging process is causing them to leave a home where many have lived for years. Most saw their children grow up in that home, and some have had their spouse die during that home's ownership. Leaving that home is one of the hardest things they will ever have to do.

Stairs are what's forcing most to leave. Arthritis, stiff muscles, hip & knee replacements and heart problems have made climbing stairs uncomfortable, painful or even impossible. For some, the stairs are not really a problem, but the concern of falling down them is more than they care to deal with.

Grounds-care responsibilities are becoming more than many can deal with on a continuous basis. You will see a lot of flower beds, hanging baskets and lawn decor in these club homes as most want a little gardening to do -- but not grounds-care upkeep.

Less interior living space is another big driver. With two or one now in the household, many don't want all that space to clean and maintain.

Care & maintenance of an aging home comes into play too. The costs and labor requirements of keeping up their larger, older SFD home are generating too much commitment of resources. With many now retired, they simply don't have the ability or desire to spend so much time and money keeping up a house which is simply too large for their current needs.

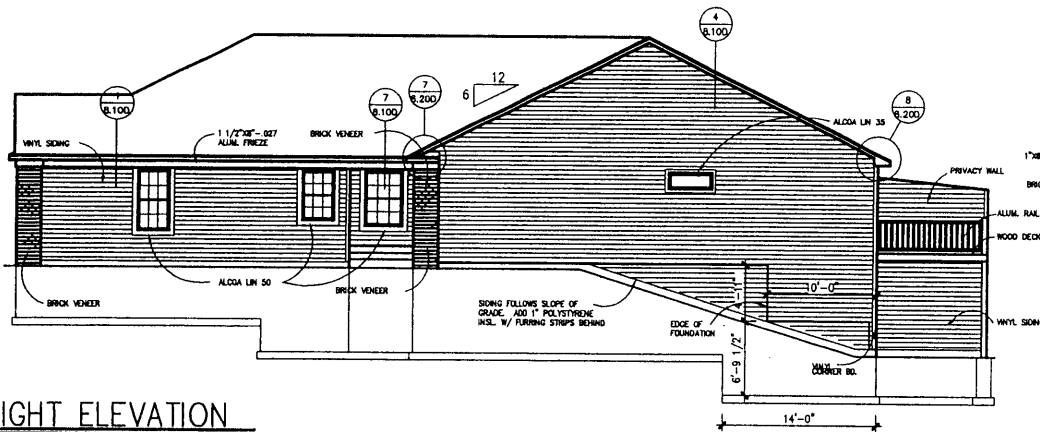
ON BASEMENT

Psychographics for basement buyers are quite different than those of slab buyers. Basement buyers are usually younger than slab buyers and many are still working. Basement buyers aren't forced to leave their current home, but choose to do so.

Basement buyers are choosing to make a lifestyle change. These buyers aren't forced by health to live on one level; rather they choose to do so. They enjoy the convenience of having the majority of their living space all on one level. However, they don't yet have a problem with stairs and want the extra space that a basement provides. Perhaps for a family room, or a spare bedroom for older children still living at home.

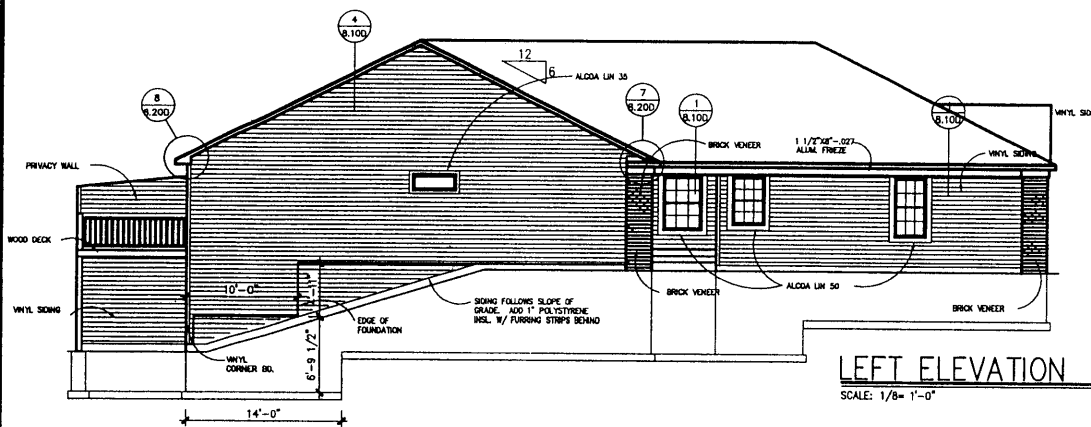
Simplifying their lives is a large part of this lifestyle change. For many of these buyers their children have left home or only come back for weekends from college. They no longer need the space of their big SFD. They have raised families, had successful careers and now they feel like it's time to enjoy their lives. Moving to a smaller home with maintenance provided gives buyers a chance to do this.

Basement buyers don't want the responsibilities of grounds care any longer. Many can still handle the maintenance of a single-family home, they just choose not to. Again they are changing lifestyles and wish to simplify their lives.



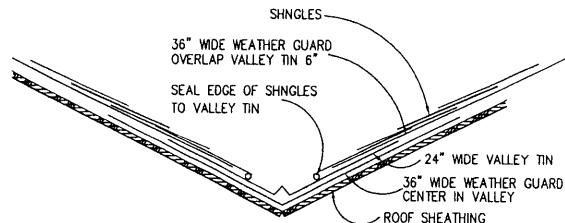
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



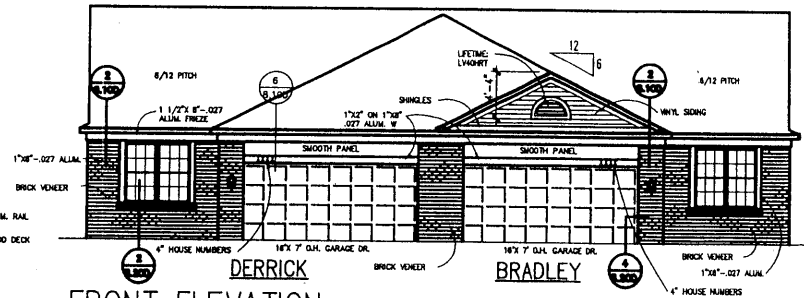
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



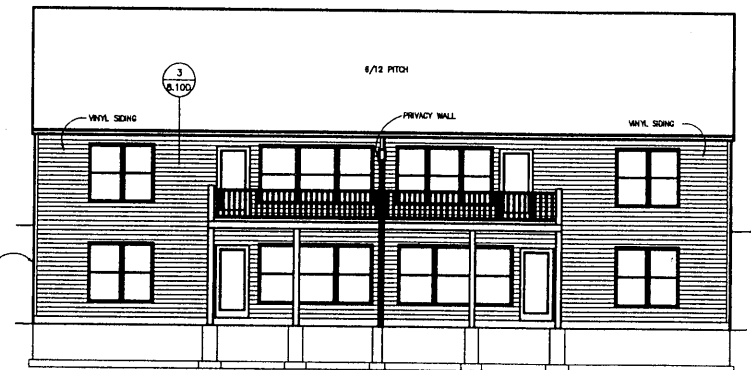
FRONT VALLEY DETAIL

SCALE: 1 1/2" = 1'-0"



FRONT ELEVATION

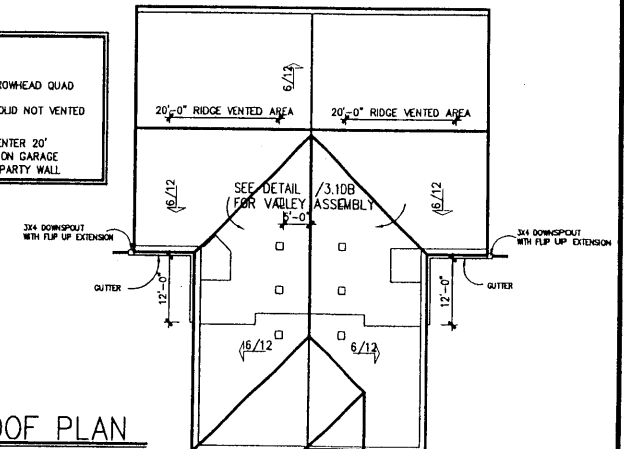
SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

ROOF VENTS:
SOFFIT
 -FULL VENT SOFFIT W/ ARROWHEAD QUAD SOFFIT PANELS
 -FRONT ENTRY SOFFIT IS SOLID NOT VENTED
RIDGE
 -MAIN ROOF RIDGE VENT CENTER 20'
 -ADD RVGL50 ROOF VENTS ON GARAGE (PER PLAN) MIN. 5' FROM PARTY WALL



ROOF PLAN

SCALE: 1/16" = 1'-0"

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Minnesota Division

815 N.W. Parkway
Eagan, Minnesota

Suite 140
55121



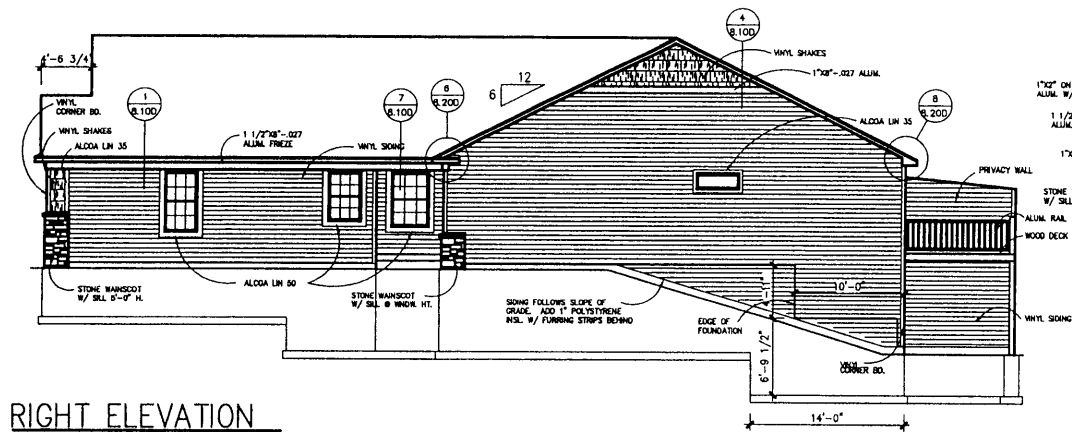
TITLE
OVERALL LAYOUT
ELEVATION #1

| | |
|-----------|---------------|
| DRAWN BY: | JASON TUCKER |
| DATE: | JUNE 15, 2001 |
| REV. NO. | DATE |
| 1 | 8/14/01 |
| 2 | 12/10/01 |
| C | C |

PLAN No. / I.D. CODE
CLUB HOME BASEMENT

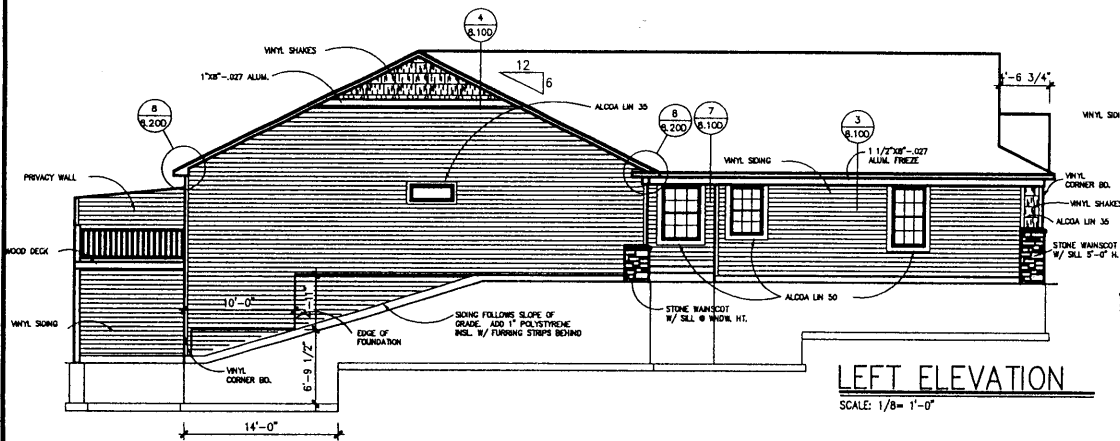
JOB No.
1000000000

SHEET No.
3.1DB
 OF



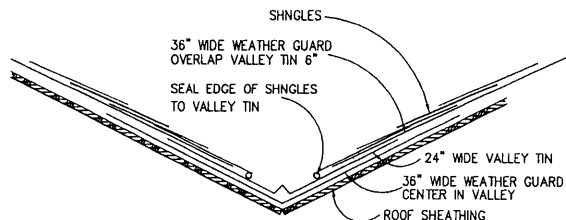
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



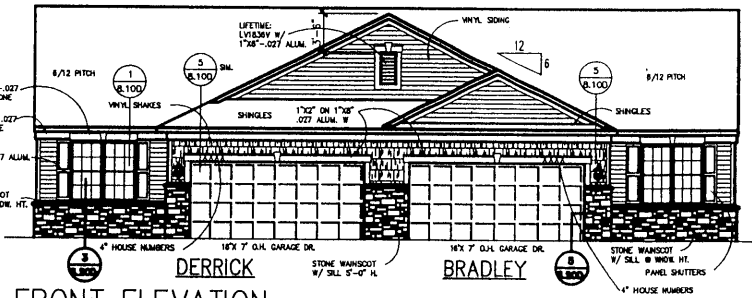
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



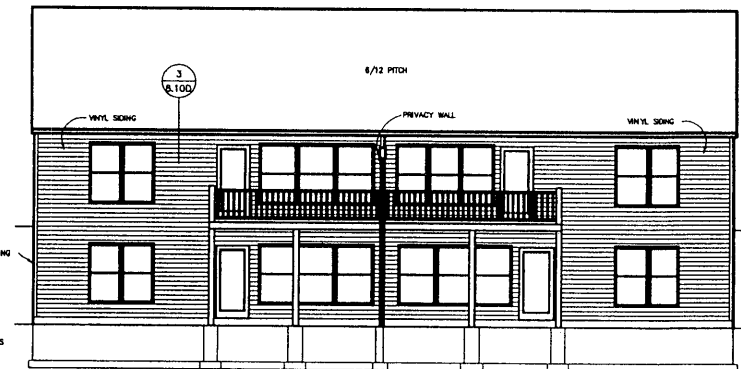
FRONT VALLEY DETAIL

SCALE: 1 1/2" = 1'-0"



FRONT ELEVATION

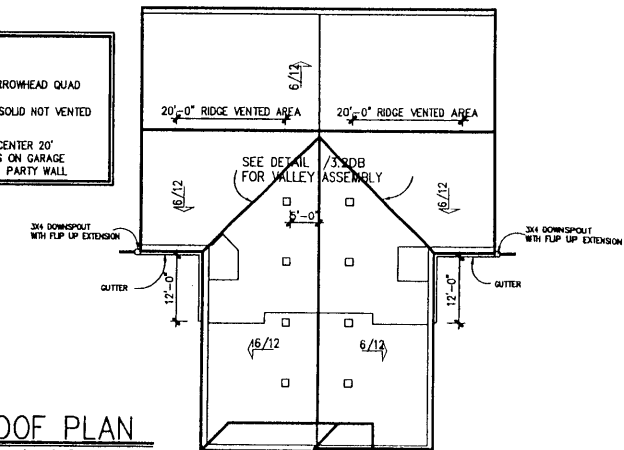
SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

ROOF VENTS:
SOFFIT:
 -FULL VENT SOFFIT W/ ARROWHEAD QUAD SOFFIT PANELS
 -FRONT ENTRY SOFFIT IS SOLID NOT VENTED
RIDGE:
 -MAIN ROOF RIDGE VENT CENTER 20'
 -ADD RVGLSO ROOF VENTS ON GARAGE (PER PLAN) MIN. 5' FROM PARTY WALL



ROOF PLAN

SCALE: 1/16" = 1'-0"

© COPYRIGHT 2001 Pulse Home Corporation

Minnesota Division
 815 N.W. Parkway Suite 140
 Eagan, Minnesota 55121



TITLE
OVERALL LAYOUT
ELEVATION #2



| | |
|-----------|---------------|
| DRAWN BY: | JASON TUCKER |
| DATE: | JUNE 15, 2001 |
| REV. No. | 1 |
| DATE | 8/14/01 |
| | 2 |
| | 12/10/01 |
| | C |
| | C |

PLAN No. / I.D. CODE
CLUB HOME BASEMENT

JOB No.
ARROWHEAD VALLEY

SHEET No.
3.2DB

#2003-17

#960⁰⁰
application
fee
City of
Hastings

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: SOUTH PINES 5

Legal Description of Property Involved: SEE PLANS

Applicant:

Name Edward B. McMenomy
Address 14450 S. Robert Trail
Rosemount, MN. 55068 JR
Phone (651) 322 1555
Fax (651) 423-7202

| |
|--------------------------|
| Official Use Only |
| Date Rec'd <u>3/4/03</u> |
| File No. <u>#2003-17</u> |
| Fee Paid <u>PO</u> |
| Rec'd by <u>Strazman</u> |
| Ordinance # _____ |
| Section _____ |

Owner (If different from Applicant):

Name SAM HERTOGS
Address 1350 S. FRONTAGE RD.
HASTINGS MN 55033
Phone (651) 437 1818

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

Special Use: _____
Subdivision: PRELIMINARY AND FINAL PLAT \$300
Vacation: x drainage utility + \$10
Other: _____
TOTAL: _____ } 1000⁰⁰ lot

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

Ed McMenomy 3/3/03
Signature of Applicant Date
Samuel Hertogs
Signature of Owner Date
3/3/03.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: **Public Hearing** – Comprehensive Plan Amendment
\\Rezoning\Preliminary Plat\Final Plat #2003-18 – South Pines 6 –
Southwest corner of Michael Ave & TH 316 (Lawrence Builders)

REQUEST

The City Council is asked to hold a public hearing to review the following requests of Lawrence Builders in conjunction with South Pines 6, containing 70.13 acres located southwest of Michael Avenue and Minnesota Highway 316:

- 1) Comprehensive Plan Amendment to:
 - a) Extend the Metropolitan Urban Service Area (MUSA) Boundary to include approximately 12.84 acres (excluding Outlots A & B, and 316 Bypass ROW)
 - b) Change the land use district designation to U-1, Urban Residence (1-3 units per acre) for the entire development.
- 2) Rezone developed area (12.84 acres) to R-1, Low Density Residence.
- 3) Preliminary Plat to subdivide 27 single family lots and 2 outlots.
- 4) Final Plat to subdivide 27 single family lots and 2 outlots.

First reading was considered at April 7, 2003 City Council Meeting.

RECOMMENDATION

The Planning Commission voted 3-2-1 (Greil, Hollenbeck, and Michno aye; Alongi and Truax nay; and Twedt abstaining) to recommend approval of the proposal at the March 24, 2003 meeting. Dissenters were concerned about existing traffic problems along Highway 316, and the lack of additional roadway options to Highway 316. The Commission discussed the change to the phasing plan, and the increase of additional lots, as well as the maintenance obligations of Michael Avenue. No one spoke for or against the item during the public hearing.

ATTACHMENTS

- Resolution – Comprehensive Plan Amendment
- Ordinance Amendment – Rezoning
- Resolution – Preliminary and Final Plat
- Location Map ~ Rezoning
- Location Map ~ Comprehensive Plan Amendment & Plat
- Preliminary Plat
- Final Plat
- Phasing Plan – South Pines 4
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The property is presently not included in the 2020 MUSA Plan. Most of the property was recently annexed from Marshan Township. An application for MUSA extension and land use district change to U-1, Urban Residence (1-3 units per acre) has been submitted. The change is consistent with the adjoining single family area of South Pines 4.

Zoning Classification

Most of the property is zoned A – Agriculture. An application to rezone the developed area to R-1, Low Density Residence has been submitted. The rezoning is consistent with the remaining single family area of South Pines 4.

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 | Single Family Res. | R-1 – Low Dens Res. | U-1 – Res Low |
| East | Michael Avenue Church | Marshan Township | Not in Plan |
| South | Agriculture | Marshan Township | Not in Plan |
| West | Agriculture | Marshan Township | Not in Plan |

Existing Condition

The existing site has been mass graded as a part of South Pines 4.

SOUTH PINES 4 PHASING PLAN

The subject property was included in the phasing plan for South Pines 4. South Pines 6 was identified as Phase 3 of the plan. The approved phasing plan included:

- Phase 1 - The first phase of development will include 109 lots (52 twin homes, 57 single family homes). Tuttle Dr must be fully constructed to the western property line as part of this phase. The road connection to Michael Ave must also be completed, with the developer granting the City a road easement over the road. Two temporary or permanent roads must also be installed to complete the circle drive in the townhome area and to connect the in the cu-de-sac southeastern part of the property with Michael Ave.
- Phase 2 - The second phase of development would include 104 lots. This is the remainder of the lots within the City. The timing of phase 2 of the development would be based on the results of a new traffic study completed after 80 % of phase 1 was completed. Phase 2 would only be allowed to move forward if the anticipated level of service at the HWY 316 intersection is at a level of service of "C" or better. This phase would also be allowed to move forward if finalized plans are in place to extend Tuttle Dr to the west within 2 years.
- Phase 3 - Phase 3 of the development includes the 40 acres currently outside the City Limits. The City would only annex this property if the property directly west of this development is annexed and plans are finalized to extend Tuttle Dr to HWY 61.

Modifications to Phasing Plan

During the Final Plat of South Pines 4, the developer offered to swap land originally included in Phase I (south and west of the Park) in order to develop a portion of Phase 3 adjacent to Highway 316. The change would allow for improvements to Martin Lane to serve as a secondary access to South Pines. The proposal exceeds the number of single family units allowed under the Approved Phasing Plan as follows:

| Unit | Approved Phasing Plan – Phase I | Proposal |
|--------------------|---------------------------------|---|
| Single Family Home | 57 | 63 (36 South Pines 4 + 27 South Pines 6) |

Analysis of Modifications

Although the proposal exceeds the maximum amount approved for Phase I, it does not include any additional streets; the streets included in South Pines 6, were designated as temporary road easements in South Pines 4. Platting of the streets will raise the construction standard from gravel and aggregate to concrete curb and bituminous surfacing. The upgrading of the temporary roadways is beneficial to the city.

Traffic concerns relating to Highway 316 and Tuttle Drive were raised during the approval of South Pines 4. The phasing plan was developed to ensure adequate levels of transportation service were available before approval of future development. Although most automobile trips would utilize Highway 316, South Pines 6 would access Highway 316 at Michael Avenue, and provide an improved roadway for secondary access to Highway 316 for the remainder of the development. The 31st Street and 36th Street roadway extensions, while having little direct impact on South Pines 6 traffic would provide an alternative to Highway 61, and the traffic choke point at the Vermillion River crossing for others that use the corridor.

COMPREHENSIVE PLAN AMENDMENT REVIEW

Request

The applicant proposes the following amendments to the Comprehensive Plan:

- 1) Extend the MUSA Boundary to include 12.84 acres. The expansion includes only platted lots of record, and excluded Outlots A and B, and the Highway 316 Bypass ROW.
- 2) Change the land use district designation to U-1, Urban Residence (1-3 units per acre) for the entire site. The existing land use district is undefined since the property was not included in the 2020 Comprehensive Plan.

Analysis

Although the site is was not considered for MUSA expansion in the 2020 Comprehensive Plan, the site is adjacent to existing development, and has access to an arterial roadway. The proposal includes a net increase of 6 single family homes beyond the level approved as part of Phase I of the approved South Pines 4 Phasing Plan. The amendment would result in the connection of Martin Lane to Michael Avenue, providing an additional access point to South Pines from Highway 316.

Recommendation

Approval of the Comprehensive Plan Amendment is recommended subject to approval by Metropolitan Council.

REZONING REVIEW

Approval to rezone 12.84 acres consistent with the proposed developed area is recommended. The request is consistent with the proposed Comprehensive Plan amendment and adjacent zoning and land uses.

PRELIMINARY PLAT REVIEW

Access and Circulation

Access and circulation is adequate. Proposed streets would connect to existing Martin Lane, Kinglet Court, and Starling Drive in South Pines 4. The internal street system provides access to TH 316 at Michael Avenue and Tuttle Drive. No additional street or driveway access to Highway 316 is proposed. Future development of Outlots A & B could be stubbed from Martin Lane in the future.

Highway 316 Bypass

A 75 foot strip along the southern boundary of the plat has been designated for a future Highway 316 Bypass. The dedication of the strip was a condition placed upon the applicant by Marshan Township in order to gain approval of the annexation. 75 feet represents approximately half of the right-of-way anticipated for the bypass. It is anticipated that the remaining right-of-way would be acquired from abutting properties in Marshan Township.

The City has been working with other agencies to finalize a needs analysis for the bypass to present to MN DOT. **The location of a future bypass has not been officially established.** The following change is recommended to the TH 316 designation on the plat.

- 1) **The “TH 316 Bypass” shall be relabeled “TH 316 Right-of-Way” on the final plat mylar.**

Grading, Drainage, and Erosion Control Plan

The Grading, Drainage, and Erosion Control plan has been forwarded to BDM Engineering for review and comment. Review comments must be adequately addressed before the plat is scheduled for final review by the City Council. Grading, Drainage, and Erosion Control plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Utilities

The Utility Plan has been forwarded to BDM Engineering for review and comment. Review comments must be adequately addressed before the plat is scheduled for final review by the City Council. Utility plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Pedestrian Access

There are no sidewalk or trail improvements included as part of the plat. The following additions are recommended.

- 1) **A trail shall be designated along the west/south side of Martin Lane from Kinglet Drive to Michael Avenue to be constructed by the Developer upon future platting of Outlots A & B, South Pines 6.** Upon development of future phases the trail along Kinglet Drive would be extended west to intersect with a trail along Sandpiper Lane. The trail would ultimately connect with a new park in South Pines 4, and the remaining City trail system.

Public Land Dedication

The Natural Resources and Recreation Committee recommended the following at the March 19, 2003 meeting:

- 1) **Cash in lieu of land in the amount of \$22,950 (\$850 x 27 lots) shall be paid to satisfy park dedication requirements. Payment must be made before release of the Final Plat Mylar for recording.**

Interceptor Sewer Fee

Sewer interceptor fees in the amount of \$8,775 (\$325 x 27 lots) shall be paid prior to the release of the Final Plat Mylar for recording.

Lot Layout

The following changes are recommended to lot layout:

- 1) **Future home construction on Block 3, Lot 2 should face Kinglet Drive, and not Martin Lane.**
- 2) **The property boundary between Block 3, Lots 7 & 8 should be rotated**

south approximately 30 degrees to better align with placement of future homes. The existing configuration leaves a portion of Lot 7 directly behind the future placement of a home on Lot 8

- 3) **Verification of conformance to the 75 'minimum lot width at setback requirements is needed for Block 4, Lot 5.**

Landscape Plan

The landscape plan identifies boulevard tree plantings every 50 lineal feet along right-of-ways, and requires the planting of a front yard tree for every unit. The following additions are needed to comply with minimum requirements:

- 1) **All boulevard and front yard trees must be a minimum of 2.0 caliper inches at time of planting.**
- 2) **Boulevard trees must be relocated to be within the street right-of-way.**
- 3) **All cul-de-sac islands must be landscaped. A home owners association or covenants must be established to ensure maintenance of plantings.**
- 4) **One front yard tree is required to be planted within 10-15' of the right-of-way line.**

Homeowner Association\Covenants

A homeowner association and covenants must be established to ensure continued maintenance of all outlots and common areas.

Minnesota Department of Transportation Review

The Plat has been submitted for Minnesota Department of Transportation review. The applicant shall be required to address any outstanding MnDot Requirements.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE COMPREHENSIVE PLAN AMENDMENT OF SOUTH PINES 6**

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

WHEREAS, Lawrence Builders has initiated consideration of action to amend the Comprehensive Plan of the City of Hastings on land owned by South Pines Partnership to be known as South Pines 6, generally located southwest of the intersection of Minnesota Highway 316 and Michael Avenue as follows:

1. Extend the Metropolitan Urban Service Area (MUSA) Boundary to include approximately 12.84 acres (excluding Outlots A & B, and 316 Bypass ROW as identified in the final plat of SOUTH PINES 6)
2. Change the land use district designation to U-1, Urban Residence (1-3 units per acre) for the entire development.

The subject property is legally described as follows:

Outlots C, D, and E, SOUTH PINES 4, Dakota County, Minnesota together with that part of the Southeast Quarter of Section 3 Township 114, Range 17, according to the Government Survey thereof described as follows: Commencing at the northeast corner of said Southeast Quarter; thence South 00 degrees 01 minutes 50 seconds East, assuming that the west line of said Southeast Quarter has a bearing of North, along the east line of said Southeast Quarter a distance of 1470.01 feet to the point of beginning of the land to be described; thence continue South 00 degrees 01 minutes 50 seconds East, along the east line of said Southeast Quarter a distance of 1152.74 feet to the southeast corner of said Southeast Quarter; thence North 89 degrees 51 minutes 34 seconds West, along the south line of said Southeast Quarter a distance of 2632.49 feet to the southwest corner of said Southeast Quarter;

thence on a bearing of North, along the west line of said Southeast Quarter, a distance of 680.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2156.81 feet to the intersection with a line bearing South 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet to the point of beginning. Except that part conveyed to the State of Minnesota, as designated and platted as Parcel 25, on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-138, according to the recorded plat thereof, in the office of the Registrar of Titles, Dakota County, Minnesota.

WHEREAS, on March 24, 2003 a Public Hearing on the proposed amendment 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

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council held a public hearing on April 21, 2003 and concurs with the recommendation of the Planning Commission.

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

The Comprehensive Plan Amendment for the above described property is hereby approved subject to approval by Metropolitan Council.

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

Ayes:

Nays:

Absent:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of a resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko
Administrative Assistant/City Clerk

(SEAL)

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

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 described property is hereby rezoned from A – Agriculture to R-1 Low
Density Residence

A parcel of land situated in the County of Dakota, State of Minnesota described as
follows:

All of SOUTH PINES 6, Dakota County, Minnesota, with the exception of Outlots A
and B, and the TH 316 Bypass Right-of-way, all within SOUTH PINES 6

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 ____ day 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 (JWH)
101 4th St.
Hastings, MN 55033

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE PRELIMINARY AND FINAL PLAT OF SOUTH PINES 6, A
RESIDENTIAL SUBDIVISION LOCATED SOUTHWEST OF HIGHWAY 316 AND
MICHAEL AVENUE , HASTINGS, MINNESOTA**

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

WHEREAS, Lawrence Builders has petitioned for preliminary plat and final plat approval of SOUTH PINES 6, a residential subdivision consisting of 27 single family lots and 2 outlots on property owned by South Pines Partnership generally located southwest of Minnesota Highway 316 and Michael Avenue, legally described as follows:

Outlots C, D, and E, SOUTH PINES 4, Dakota County, Minnesota together with that part of the Southeast Quarter of Section 3 Township 114, Range 17, according to the Government Survey thereof described as follows: Commencing at the northeast corner of said Southeast Quarter; thence South 00 degrees 01 minutes 50 seconds East, assuming that the west line of said Southeast Quarter has a bearing of North, along the east line of said Southeast Quarter a distance of 1470.01 feet to the point of beginning of the land to be described; thence continue South 00 degrees 01 minutes 50 seconds East , along the east line of said Southeast Quarter a distance of 1152.74 feet to the southeast corner of said Southeast Quarter; thence North 89 degrees 51 minutes 34 seconds West, along the south line of said Southeast Quarter a distance of 2632.49 feet to the southwest corner of said Southeast Quarter; thence on a bearing of North, along the west line of said Southeast Quarter, a distance of 680.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2156.81 feet to the intersection with a line bearing South 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet to the point of beginning. Except that part conveyed to the State of Minnesota, as designated and platted as Parcel 25, on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-138, according to the recorded plat thereof, in the office of the Registrar of Titles, Dakota County, Minnesota.

WHEREAS, on March 24, 2003, a public hearing was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council held a public hearing on April 21, 2003 and concurs with the recommendation of the Planning Commission.

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

That the City Council hereby approves the preliminary plat and final plat of SOUTH PINES 6 subject to the following:

1. Approval of a Comprehensive Plan Amendment by The City of Hastings and Metropolitan Council to extend the Metropolitan Urban Service Area (MUSA) Boundary to incorporate all lots of record (excluding outlots), and land use designation change to U-1 Urban Residential (1-3 units per acre) for the entire development.
2. Approval to rezone 12.84 acres consistent with the proposed developed area.
3. Establishment of a homeowners association to maintain all common open space areas including median island plantings. The homeowner's association documents shall be recorded as a part of the Final Plat.
4. The existing association responsible for the maintenance of the Kinglet Court cul-de-sac island shall be amended to include abutting lots in South Pines 6.
5. Submission of a schedule of square foot sizes for all platted lots.
6. Submission of certification of taxes paid in full for the property.
7. The "TH 316 Bypass" shall be relabeled "TH 316 Right-of-Way" on the final plat mylar
8. A trail shall be designated along the west/south side of Martin Lane from Kinglet Drive to Michael Avenue to be constructed by the Developer upon future platting of Outlots A & B, South Pines 6
9. Cash in lieu of land in the amount of \$22,950 (\$850 x 27 lots) shall be paid to satisfy park dedication requirements. Payment must be made before release of the Final Plat Mylar for recording

10. Sewer interceptor fees in the amount of \$8,775 (\$325 x 27 lots) shall be paid prior to the release of the Final Plat Mylar for recording
11. Future home construction on Block 3, Lot 2 should face Kinglet Drive, and not Martin Lane
12. Boulevard trees must be relocated to be within the street right-of-way.
13. All cul-de-sac islands must be landscaped. A home owners association or covenants must be established to ensure maintenance of plantings.
14. One front yard tree is required to be planted within 10-15' of the right-of-way line.
15. All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
16. The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
17. That the final plat hardshells shall be modified to illustrate MNDOT R.O.W. and restricted access.
18. The Final Plat must be modified to prohibit direct access to Highway 316.
19. Approval by the Minnesota Department of Transportation of the before and after hydraulic computations for both 10 and 100 year storm events showing drainage paths, runoff coefficients, ponding calculations, and locations.
20. That the preliminary plat is subject to MNDOT review and shall incorporate any comments received into the final plat.
21. That the landscape islands shall be maintained by the homeowners and not by the City. The developer shall provide documentation on the maintenance of the landscape islands to be recorded with the plat and development agreement.
22. That the developer shall have separate water meter and water line installed for all irrigation systems.
23. That the builders in this subdivision shall plant "boulevard" trees according to the submitted tree plan and one front yard tree per lot. An escrow is required for any unplanted trees before a certificate of occupancy is issued.
24. All boulevard and front yard trees must be a minimum of 2.0 caliper inches at time of planting.
25. That the developer shall provide evidence that any septic systems and wells have properly

abandoned on the property.

26. The applicant shall be responsible for the upgrade of Michael Avenue between Martin Lane and Highway 316 to include bituminous surfacing.
27. The property boundary between Block 3, Lots 7 & 8 should be rotated south approximately 30 degrees to better align with placement of future homes to the satisfaction of the Planning Director prior to signing of the Final Plat Mylar
28. 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.
29. Execution of a development agreement to memorialize the conditions of the plat and to establish any applicable escrow amounts to guarantee the completion of site plan activities prior to issuance of any building permits.
30. Any uncompleted site work (including landscaping) must be escrowed for prior to issuance of a certificate of occupancy.
31. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
32. The Final Plat shall be recorded with Dakota County within 90 days of approval by the City Council, or the approval is null and void.

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

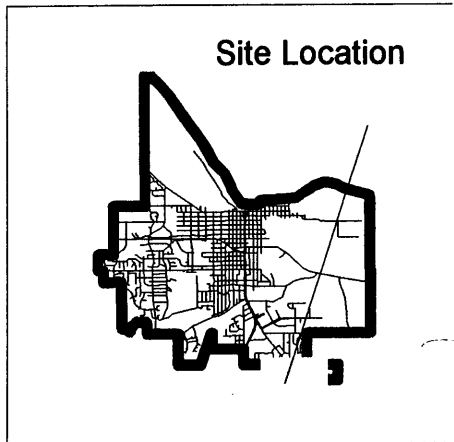
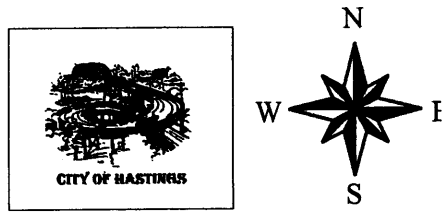
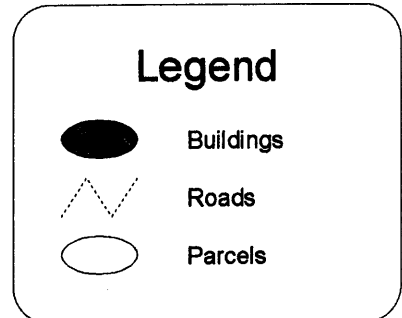
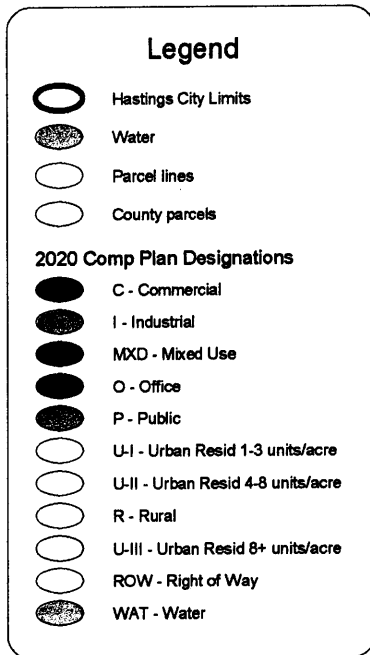
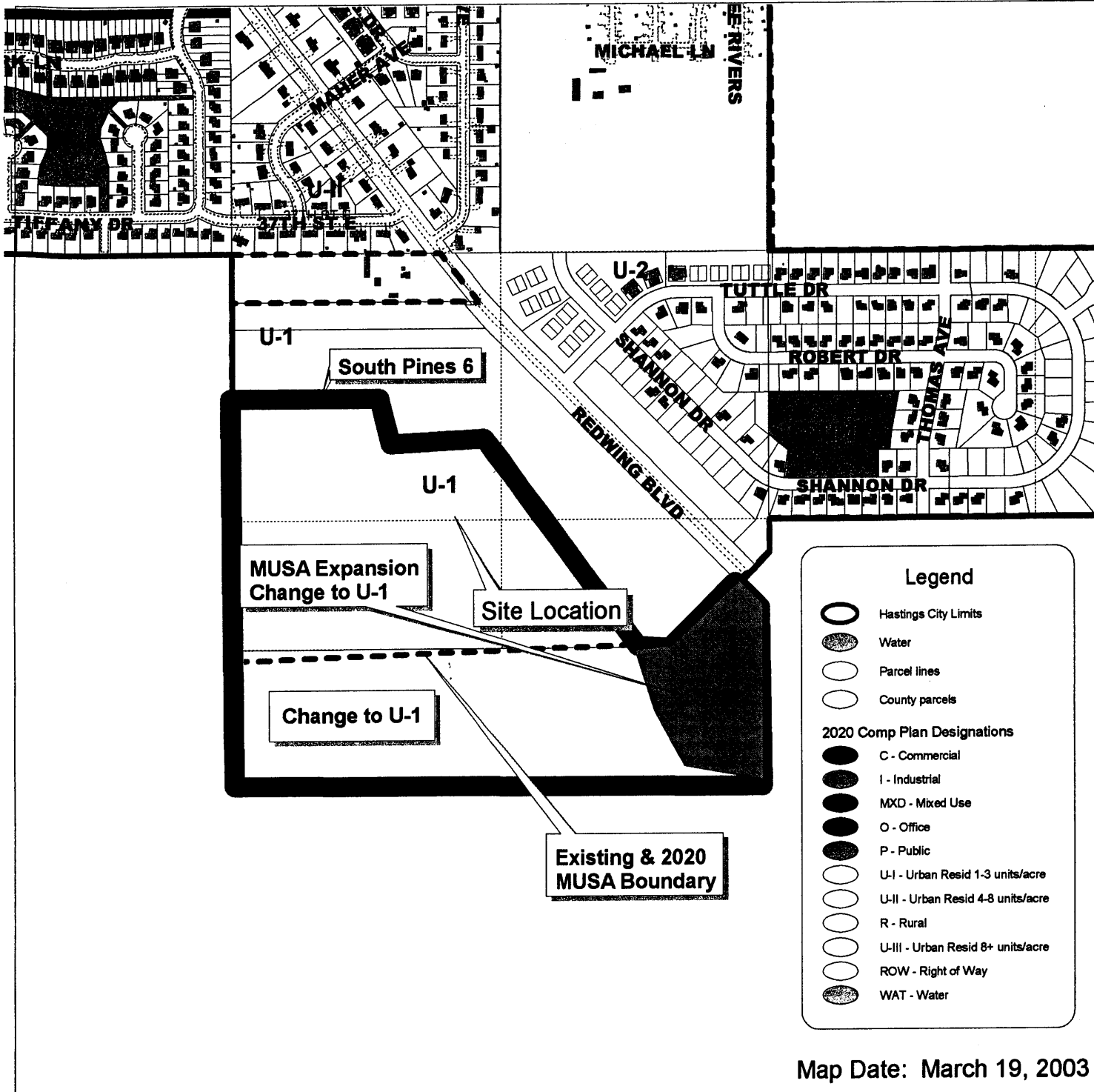
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

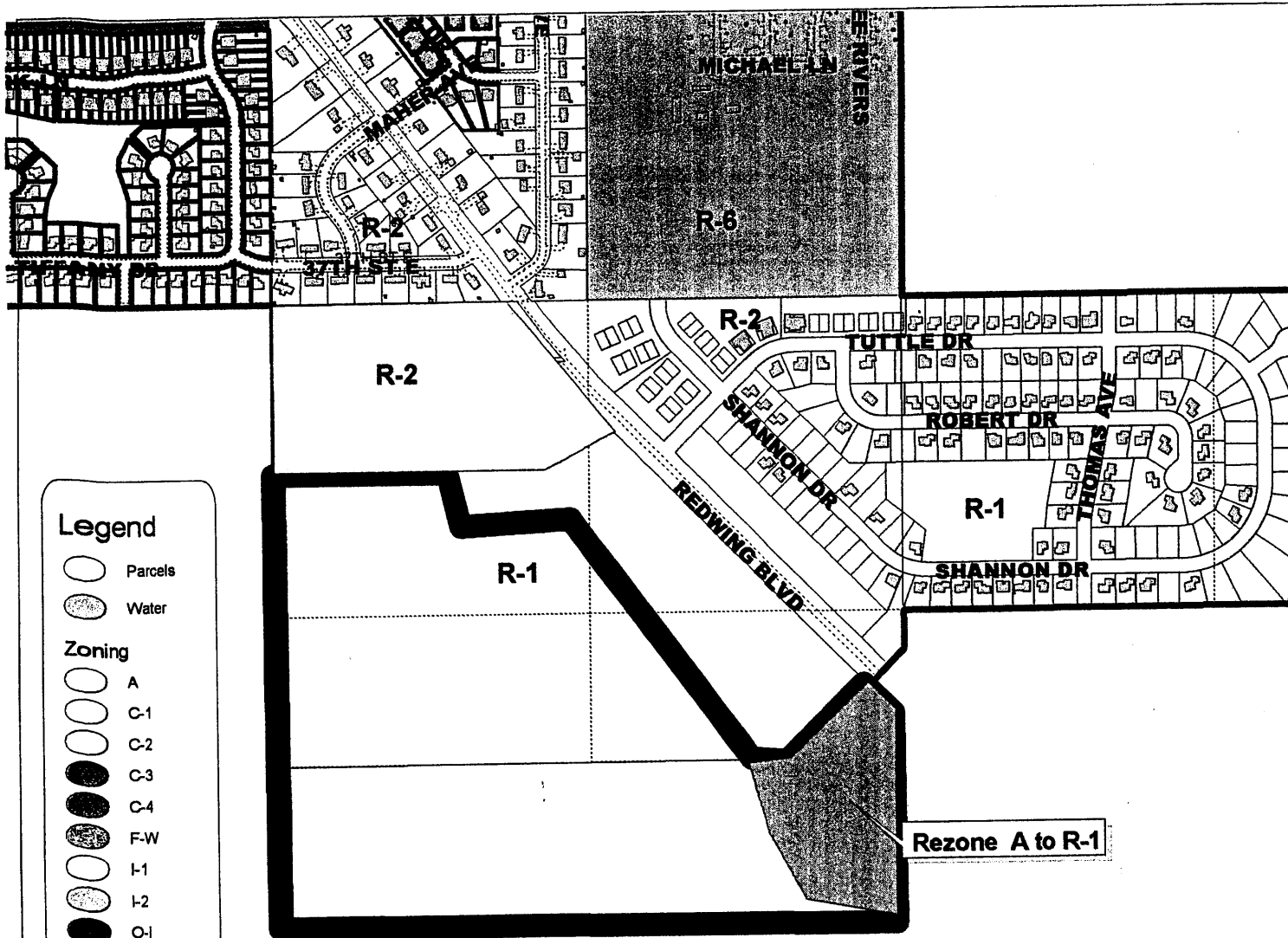
This instrument drafted by:
City of Hastings (JWH)
101 4th St. East
Hastings, MN 55033

South Pines 6 Comp Plan Amendment



Map Date: March 19, 2003

South Pines 6 Rezoning & Plat



Legend

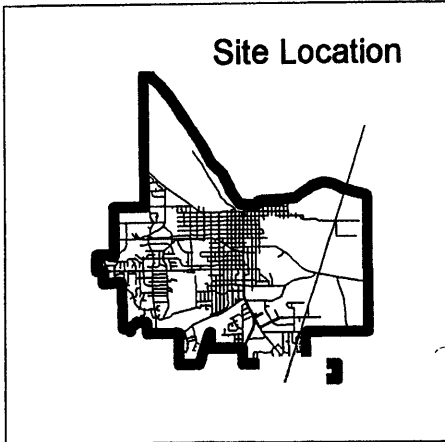
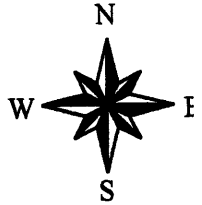
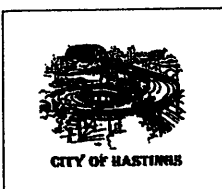
- Parcels
- Water

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

Legend

- Buildings
- Roads
- Parcels

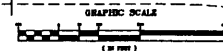
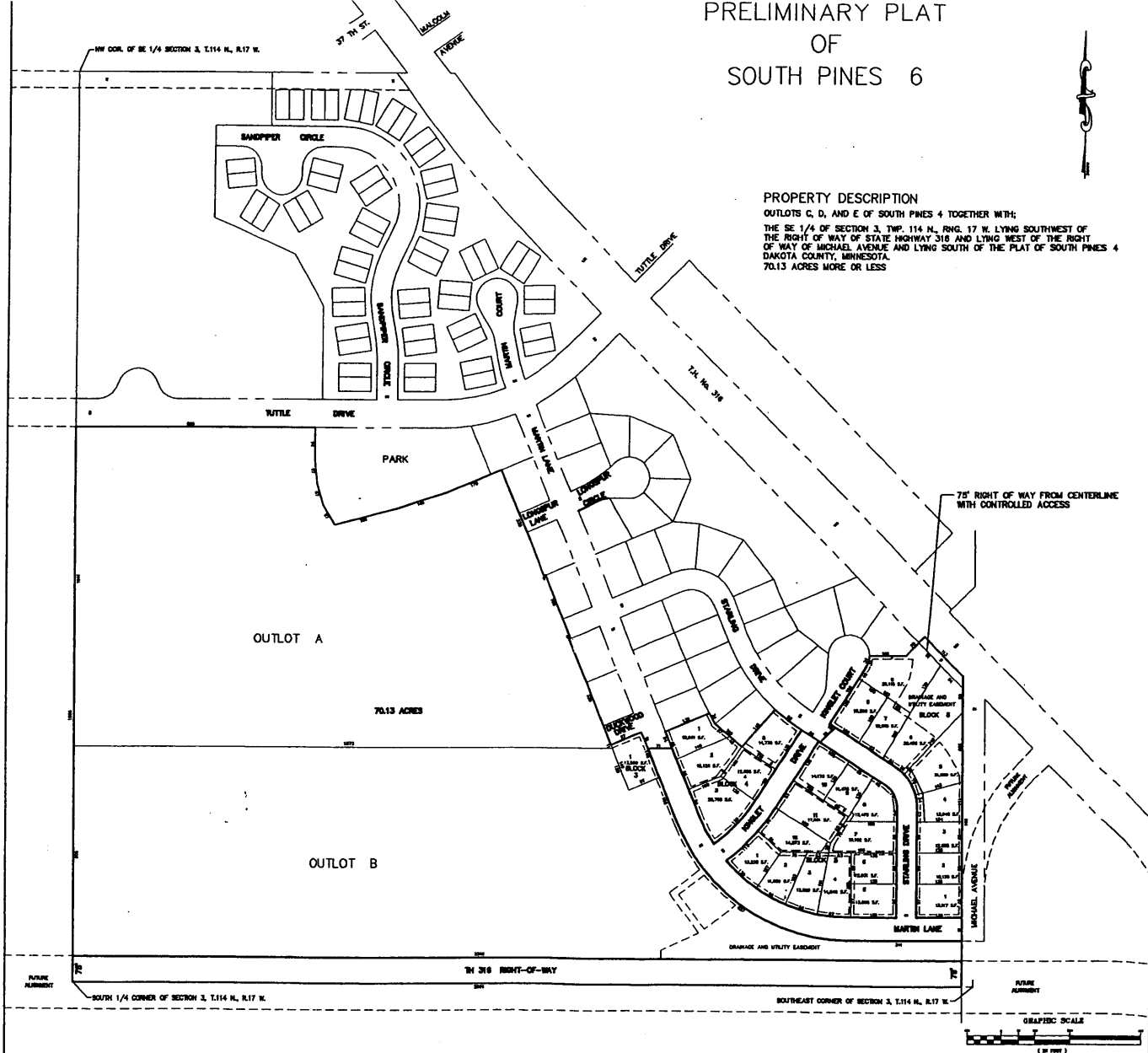


Map Date: March 19, 2003

PRELIMINARY PLAT OF SOUTH PINES 6



PROPERTY DESCRIPTION
 OUTLOTS C, D, AND E OF SOUTH PINES 4 TOGETHER WITH:
 THE SE 1/4 OF SECTION 3, T114 N., R.17 W., LYING SOUTHWEST OF
 THE RIGHT OF WAY OF STATE HIGHWAY 318 AND LYING WEST OF THE RIGHT
 OF WAY OF MICHAEL AVENUE AND LYING SOUTH OF THE PLAT OF SOUTH PINES 4
 DAKOTA COUNTY, MINNESOTA.
 70.13 ACRES MORE OR LESS



| | | | | | | |
|--|--------------------------------------|--|--|---|---|---|
| | Engineering Surveying Planning | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. | | JOHNSON & SCOFIELD INC. LAND SURVEYORS | LATEST REVISION: 4-14-2003 Prepared For: Don Lawrence Lawrence Construction and Realty Hastings, Mn 55033 | PRELIMINARY PLAT OF SOUTH PINES 6 |
|--|--------------------------------------|--|--|---|---|---|

Revised - Road 4/14/03

PRELIMINARY GRADING, DRAINAGE AND EROSION CONTROL PLAN OF SOUTH PINES 4, 5, and 6



EROSION CONTROL NOTES:

- 1) PLACE BALE CHECKS AT ALL STORM SEWER INLETS AND WHERE DIRECTED BY THE ENGINEER.
- 2) PLACE SILT FENCE AT THE OF FILL SLOPES AND WHERE DIRECTED BY THE ENGINEER.
- 3) SEED, FERTILIZE AND MOW ALL DISTURBED AREAS.
- 4) CONTROL WEEDS TO CONTROL STORMWATER CONSTRUCTION.
- 5) NPDES STORM WATER PERMIT IS REQUIRED FOR THIS PROJECT.
- 6) CONSTRUCT AND MAINTAIN ROCK CONSTRUCTION ENTRANCES AND CLOSE OTHER ENTRANCES.
- 7) MAINTAIN POSITIVE DRAINAGE FROM EXISTING STORM SEWERS TO FLEETS.
- 8) CONSTRUCTION SHALL SUBMIT STAGING PLAN TO THE ENGINEER APPROXIMATELY 10 DAYS BEFORE STARTING ANY WORK.
- 9) CONSTRUCT AND MAINTAIN SLOPE PROTECTION MEASURES THROUGHOUT CONSTRUCTION TO PREVENT CONTROL OF SEDIMENT.
- 10) SLOPE PROTECTION CONSTRUCTION ENTRANCES, POSITIVE DRAINAGE, PROTECTIVE DRAINAGE WALLS ARE TO BE CONSTRUCTED FIRST.
- 11) ADDITIONAL EROSION CONTROL MEASURES SHALL BE REQUIRED BY AREAS OF AN EROSION PATTERNS OCCURS.
- 12) APPLY WATER AS NEEDED TO CONTROL DUST AND, AS DIRECTED BY THE ENGINEER.

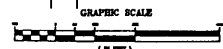
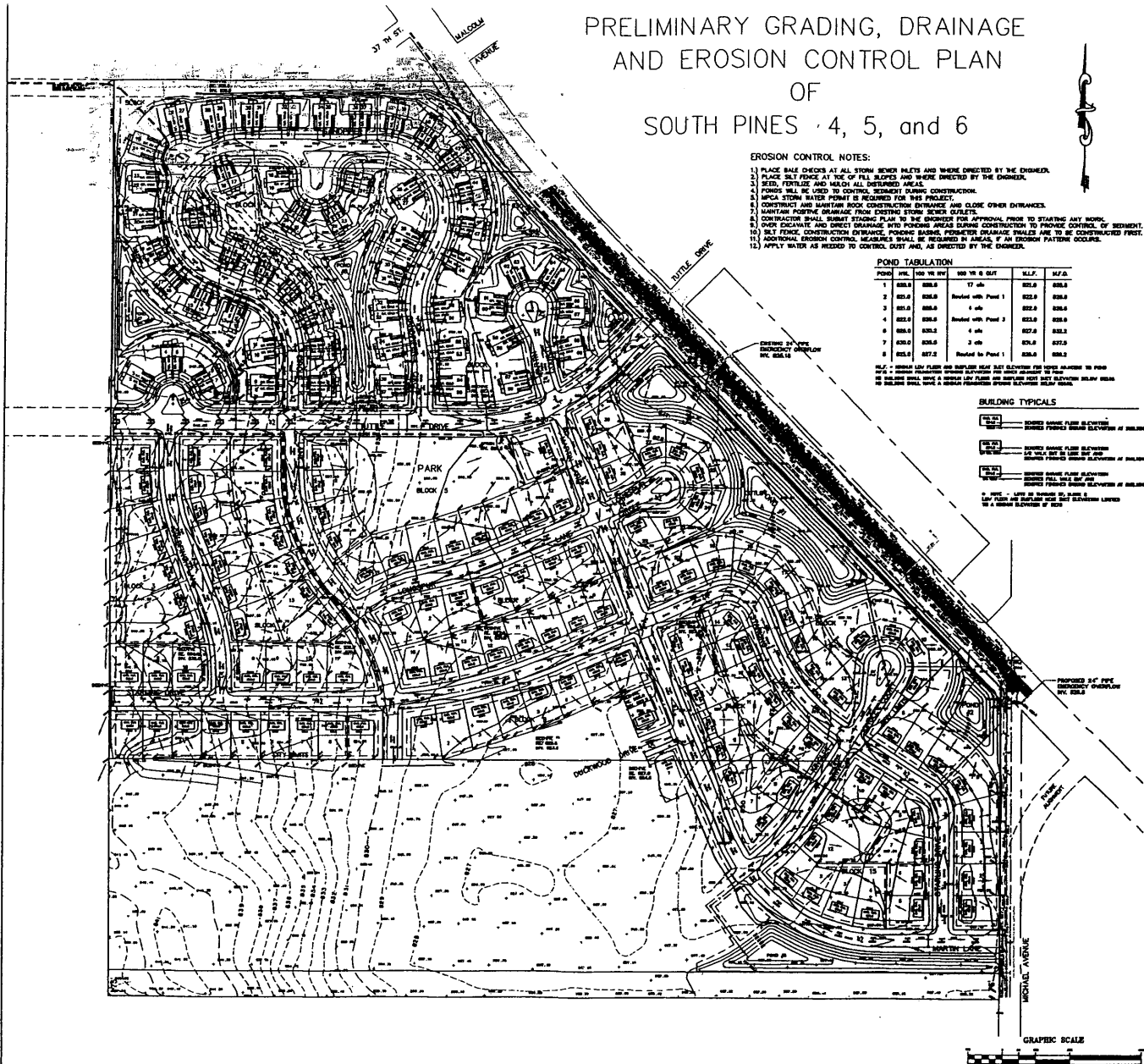
POND TABULATION

| POND | INLET | OUTLET | NO. YR 6 OUTF | S.L.F. | S.F.A. |
|------|-------|--------|-----------------------|--------|--------|
| 1 | 021.0 | 021.0 | 17 cfs | 021.0 | 021.0 |
| 2 | 021.0 | 021.0 | Reservoir with Pond 1 | 021.0 | 021.0 |
| 3 | 021.0 | 021.0 | 4 cfs | 021.0 | 021.0 |
| 4 | 021.0 | 021.0 | Reservoir with Pond 3 | 021.0 | 021.0 |
| 5 | 021.0 | 021.0 | 4 cfs | 021.0 | 021.0 |
| 6 | 021.0 | 021.0 | 3 cfs | 021.0 | 021.0 |
| 7 | 021.0 | 021.0 | 2 cfs | 021.0 | 021.0 |
| 8 | 021.0 | 021.0 | Reservoir with Pond 1 | 021.0 | 021.0 |

NOTE: 1. PONDING SHALL BE PROVIDED FOR ALL STORM SEWERS THAT DISCHARGE INTO POND.
2. ALL PONDING SHALL BE PROVIDED FOR ALL STORM SEWERS THAT DISCHARGE INTO POND.
3. ALL PONDING SHALL BE PROVIDED FOR ALL STORM SEWERS THAT DISCHARGE INTO POND.

BUILDING TYPICALS

- 1. EXISTING PONDING FROM AS EXISTING
- 2. EXISTING PONDING FROM AS EXISTING
- 3. EXISTING PONDING FROM AS EXISTING
- 4. EXISTING PONDING FROM AS EXISTING
- 5. EXISTING PONDING FROM AS EXISTING
- 6. EXISTING PONDING FROM AS EXISTING
- 7. EXISTING PONDING FROM AS EXISTING
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- 14. EXISTING PONDING FROM AS EXISTING
- 15. EXISTING PONDING FROM AS EXISTING
- 16. EXISTING PONDING FROM AS EXISTING
- 17. EXISTING PONDING FROM AS EXISTING
- 18. EXISTING PONDING FROM AS EXISTING
- 19. EXISTING PONDING FROM AS EXISTING
- 20. EXISTING PONDING FROM AS EXISTING



GGG Engineering Surveying

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSISSIPPI.



JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty

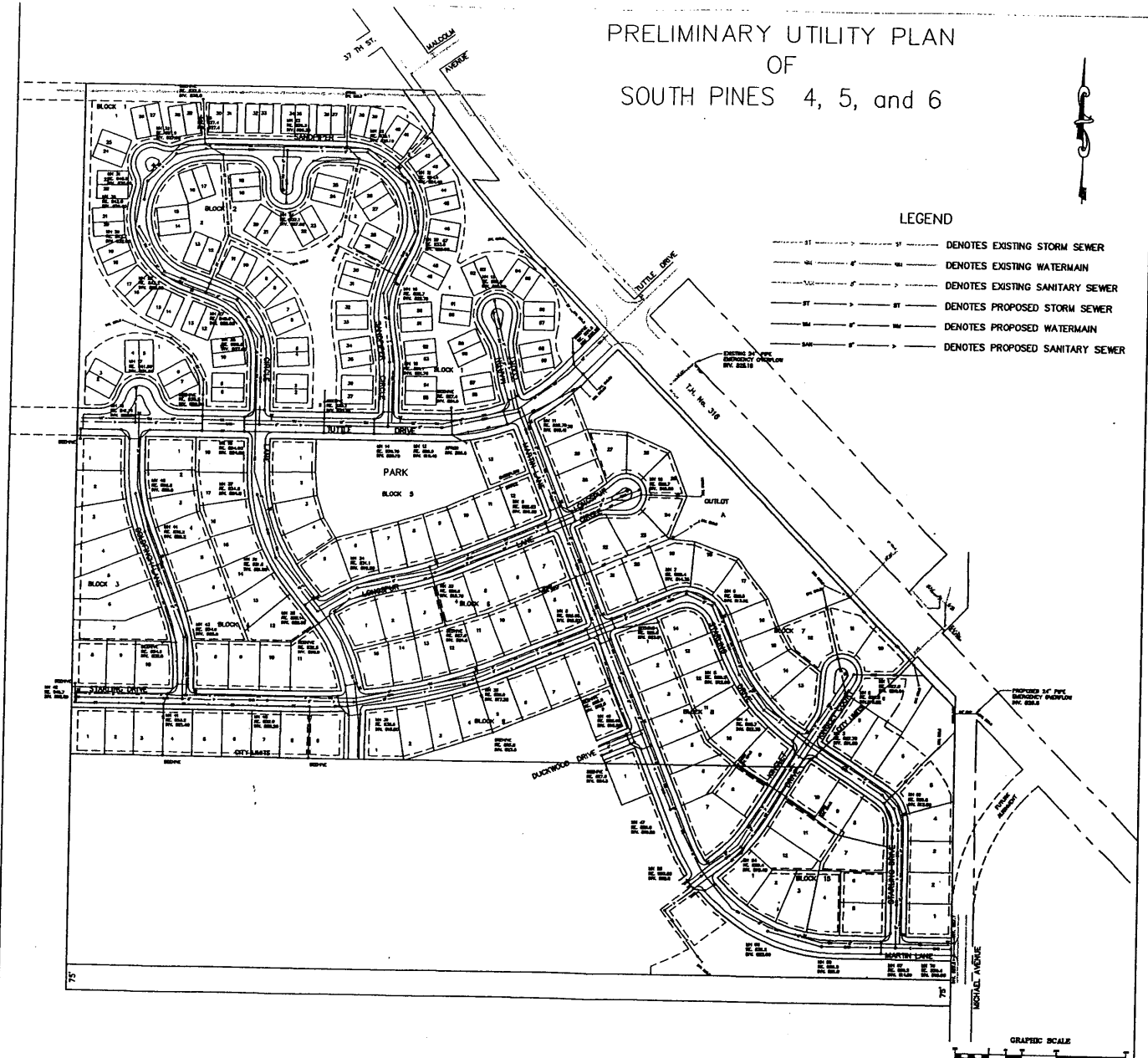
PRELIMINARY GRADING,
DRAINAGE AND EROSION
CONTROL PLAN OF
SOUTH PINES 4, 5, and 6

PRELIMINARY UTILITY PLAN
OF
SOUTH PINES 4, 5, and 6



LEGEND

- ST --- ST --- DENOTES EXISTING STORM SEWER
- WM --- WM --- DENOTES EXISTING WATERMAIN
- SS --- SS --- DENOTES EXISTING SANITARY SEWER
- ST --- ST --- DENOTES PROPOSED STORM SEWER
- WM --- WM --- DENOTES PROPOSED WATERMAIN
- SS --- SS --- DENOTES PROPOSED SANITARY SEWER



G C C Engineering Surveying

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DAILY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI.



JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty

PRELIMINARY UTILITY PLAN
OF
SOUTH PINES 4, 5, and 6

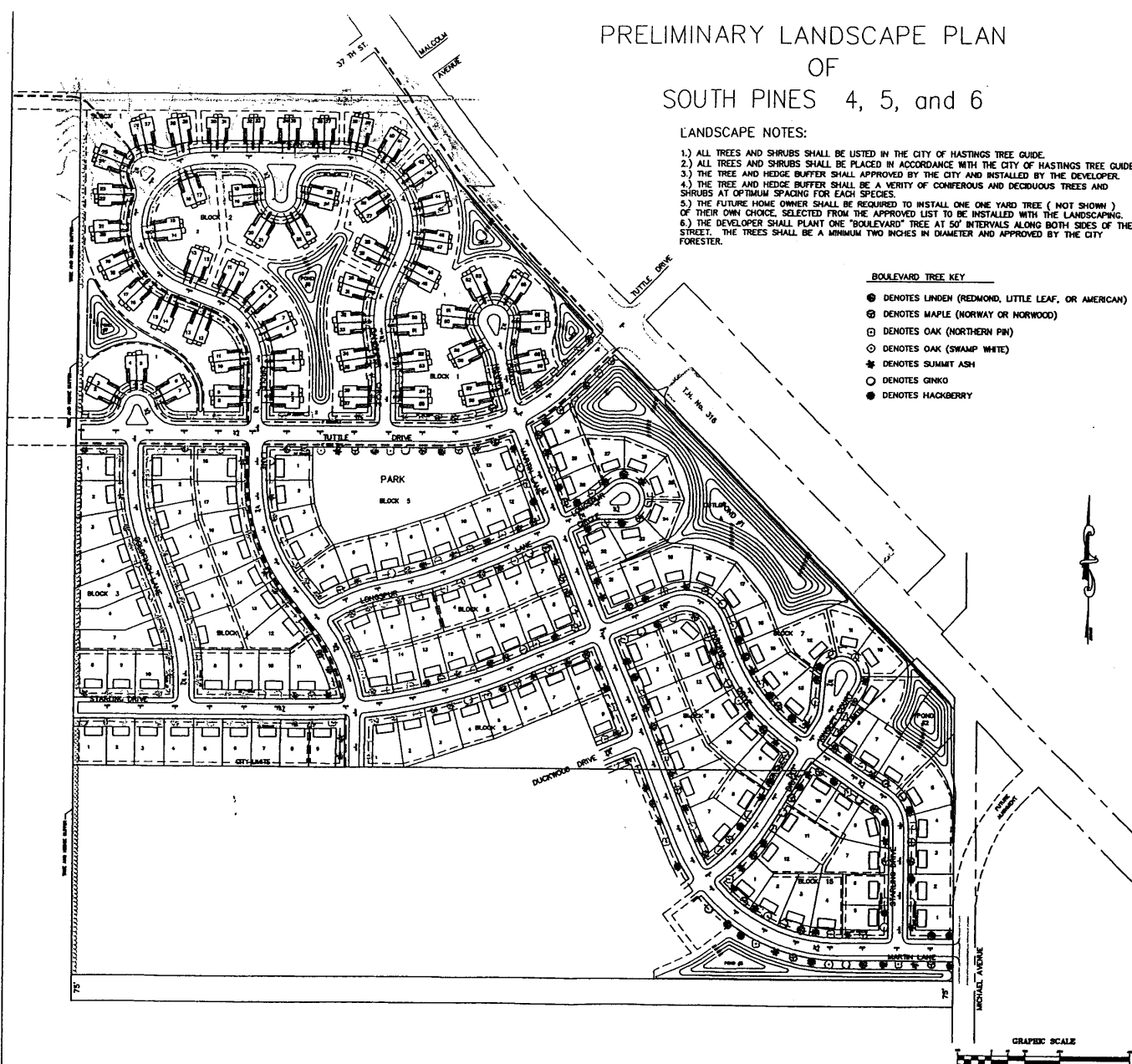
PRELIMINARY LANDSCAPE PLAN OF SOUTH PINES 4, 5, and 6

LANDSCAPE NOTES:

- 1) ALL TREES AND SHRUBS SHALL BE LISTED IN THE CITY OF HASTINGS TREE GUIDE.
- 2) ALL TREES AND SHRUBS SHALL BE PLACED IN ACCORDANCE WITH THE CITY OF HASTINGS TREE GUIDE.
- 3) THE TREE AND HEDGE BUFFER SHALL APPROVED BY THE CITY AND INSTALLED BY THE DEVELOPER.
- 4) THE TREE AND HEDGE BUFFER SHALL BE A VARIETY OF CONIFEROUS AND DECIDUOUS TREES AND SHRUBS AT OPTIMUM SPACING FOR EACH SPECIES.
- 5) THE FUTURE HOME OWNER SHALL BE REQUIRED TO INSTALL ONE YARD TREE (NOT SHOWN) OF THEIR OWN CHOICE, SELECTED FROM THE APPROVED LIST TO BE INSTALLED WITH THE LANDSCAPING.
- 6) THE DEVELOPER SHALL PLANT ONE "BOULEVARD" TREE AT 50' INTERVALS ALONG BOTH SIDES OF THE STREET. THE TREES SHALL BE A MINIMUM TWO INCHES IN DIAMETER AND APPROVED BY THE CITY FORESTER.

BOULEVARD TREE KEY

- ⊙ DENOTES LINDEN (REDMOND, LITTLE LEAF, OR AMERICAN)
- ⊙ DENOTES MAPLE (NORWAY OR NORWOOD)
- ⊙ DENOTES OAK (NORTHERN PIN)
- ⊙ DENOTES OAK (SWAMP WHITE)
- * DENOTES SUMMIT ASH
- DENOTES GINKO
- DENOTES HACKBERRY



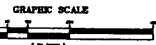
GGG Engineering
Surveying

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF ILLINOIS.



JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared For:
Don Lawrence
Lawrence Construction and Realty

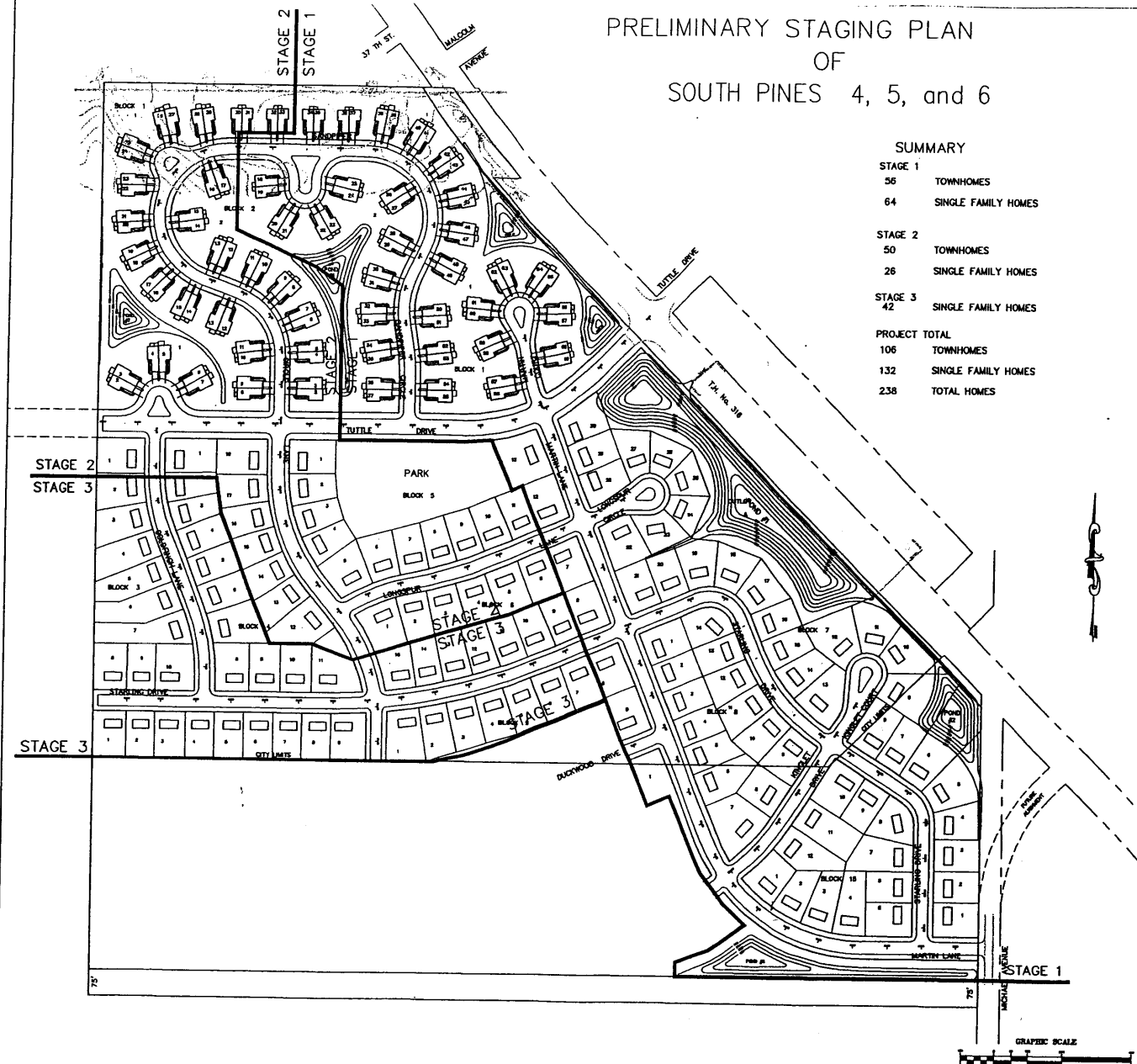


PRELIMINARY
LANDSCAPE PLAN
OF
SOUTH PINES 4, 5, and 6

PRELIMINARY STAGING PLAN OF SOUTH PINES 4, 5, and 6

SUMMARY

| | |
|----------------------|---------------------|
| STAGE 1 | |
| 56 | TOWNHOMES |
| 64 | SINGLE FAMILY HOMES |
| STAGE 2 | |
| 50 | TOWNHOMES |
| 28 | SINGLE FAMILY HOMES |
| STAGE 3 | |
| 42 | SINGLE FAMILY HOMES |
| PROJECT TOTAL | |
| 106 | TOWNHOMES |
| 132 | SINGLE FAMILY HOMES |
| 238 | TOTAL HOMES |



GGG Engineering Surveying

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DAILY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MISSOURI.



JOHNSON & SCOFIELD INC.
LAND SURVEYORS

LATEST REVISION: 2-27-2003
Prepared for:
Don Lawrence
Lawrence, Contractor and Realty

PRELIMINARY STAGING PLAN OF SOUTH PINES, 4, 5, and 6

SOUTH PINES 6

KNOW ALL MEN BY THESE PRESENTS: That Samuel H. Hertogs and Shirley J. Hertogs, husband and wife, Paul W. Lawrence and Delores Lawrence, husband and wife, William J. Crist and Mary A. Crist, husband and wife, and McMenomy and Hertogs, Incorporated, a Minnesota Corporation, owners and proprietors of the following described property situated in the County of Dakota, State of Minnesota, to wit:

Outlets C, D and E, SOUTH PINES 4, according to the recorded plat thereof, on file in the office of the Registrar of Titles, Dakota County, Minnesota.

AND

That part of the Southeast quarter (SE1/4) of Section Three (3), Township One Hundred Fourteen (114), Range Seventeen (17), according to the Government Survey thereof described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence South 00 degrees 01 minutes 50 seconds East, assuming that the west line of said Southeast Quarter has a bearing of North, along the east line of said Southeast Quarter, a distance of 1470.01 feet to the point of beginning of the land to be described; thence continue South 00 degrees 01 minutes 50 seconds East, along the east line of said Southeast Quarter, a distance of 1152.74 feet to the southeast corner of said Southeast Quarter; thence North 89 degrees 51 minutes 34 seconds West, along the south line of said Southeast Quarter, a distance of 2532.49 feet to the southwest corner of said Southeast Quarter; thence on a bearing of North, along the west line of said Southeast Quarter, a distance of 860.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2155.81 feet to the intersection with a line bearing South 45 degrees 12 minutes 42 seconds West from the point of beginning; thence North 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet to the point of beginning.

EXCEPT that part conveyed to the State of Minnesota, as designated and plotted as Parcel 25, on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-138, according to the recorded plat thereof, on file in the office of the Registrar of Titles, Dakota County, Minnesota.

Have caused the same to be surveyed and plotted as SOUTH PINES 6 and do hereby donate and dedicate to the public, for public use forever, the thoroughfare, and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Samuel H. Hertogs and Shirley J. Hertogs, husband and wife, have hereunto set their hands this _____ day of _____ 20____

Samuel H. Hertogs

Shirley J. Hertogs

In witness whereof said Paul W. Lawrence and Delores Lawrence, husband and wife, have hereunto set their hands this _____ day of _____ 20____

Paul W. Lawrence

Delores Lawrence

In witness whereof said William J. Crist and Mary A. Crist, husband and wife, have hereunto set their hands this _____ day of _____ 20____

William J. Crist

Mary A. Crist

In witness whereof said McMenomy and Hertogs, Incorporated, a Minnesota Corporation, has caused these presents to be signed by its proper officers this _____ day of _____ 20____

By _____ Its _____

By _____ Its _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Samuel H. Hertogs and Shirley J. Hertogs, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Paul W. Lawrence and Delores Lawrence, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

JOHNSON & SCOTFIELD INC.
LAND SURVEYORS
1203 MAIN ST. - 2ND FLOOR - ST. CLOUD, (801) 362-1652
220 UNIVERSITY AVENUE, EAST
WARSAW, WI 53091 (262) 655-2244

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by William J. Crist and Mary A. Crist, husband and wife.

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____ the _____ of _____ the _____
McMenomy and Hertogs, Incorporated, a Minnesota Corporation, on behalf of said Corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I hereby certify that I have surveyed and plotted the property described on this plat as SOUTH PINES 6; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on said plat and there are no wet lands, as defined in Minnesota Statutes, Section 505.02, Subd. 1, or public highways to be designated other than as shown.

Alan K. Scofield, Land Surveyor
Minnesota License Number 15473

STATE OF _____
COUNTY OF _____
The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____ 20____ by Alan K. Scofield, Land Surveyor, License Number 15473.

Notary Public, _____ County, Minnesota
My Commission Expires January 31, 2005

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, this _____ day of _____ 20____

By _____ Chairperson By _____ Secretary

We do hereby certify that on the _____ day of _____ 20____ the City Council of Hastings, Minnesota, approved this plat.

By _____ Mayor

By _____ Clerk

Pursuant to Chapter 3830.65, Minnesota Statutes, this plat has been approved this _____ day of _____ 20____

By _____ Fred M. Johnson, Dakota County Surveyor

I hereby certify that all taxes for the year _____ on the land described on this plat as SOUTH PINES 6, have been paid and no delinquent taxes are due and transfer entered on this day of _____ 20____

By _____ County Treasurer-Auditor, Dakota County, Minnesota

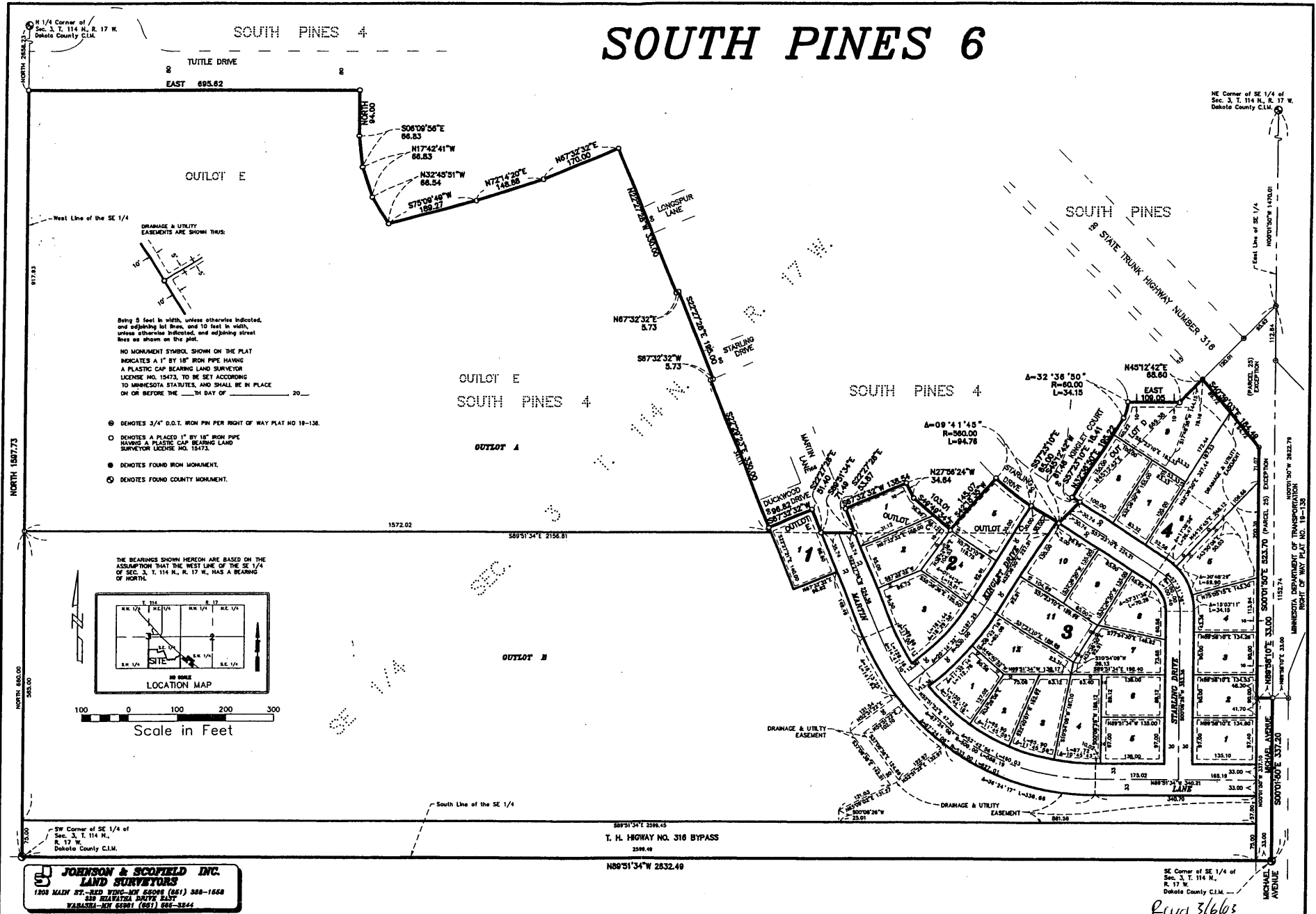
Document Number _____ Certificate Number _____

I hereby certify that this instrument was filed in the office of the Registrar of Titles for record this _____ day of _____ 20____ at _____ o'clock _____ m., and was duly recorded in Book _____ on page _____

By _____ Registrar of Titles, Dakota County, Minnesota

Recd 3/6/03

SOUTH PINES 6

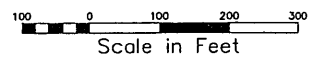
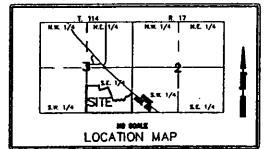


Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width, unless otherwise indicated, and adjoining street lines as shown on the plat.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES A 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 154713, TO BE SET ACCORDING TO MINNESOTA STATUTES, AND SHALL BE IN PLACE ON OR BEFORE THE ____ TH DAY OF ____ 20__

- ⊙ DENOTES 3/4" D.O.T. IRON PIN PER RIGHT OF WAY PLAT NO. 18-138.
- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 154713.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE SE 1/4 OF SEC. 3, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



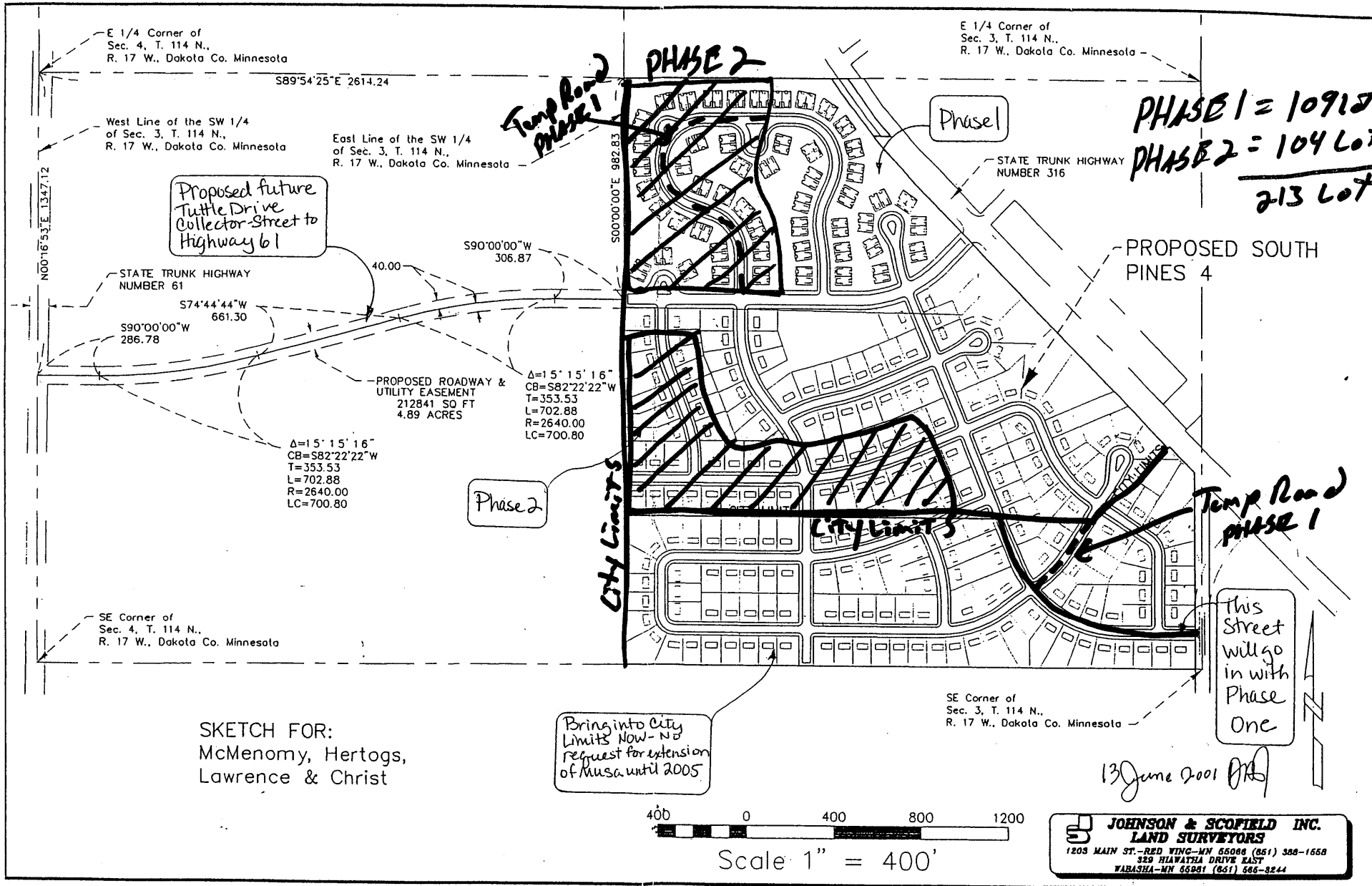
SW Corner of SE 1/4 of Sec. 3, T. 114 N., R. 17 W., Dakota County C.L.M.

NE Corner of SE 1/4 of Sec. 3, T. 114 N., R. 17 W., Dakota County C.L.M.

JOHNSON & SCOPFIELD INC.
LAND SURVEYORS
 1200 MAIN ST. - 3RD FLOOR - ST. PAUL, MN 55102-1658
 612-291-7770 FAX 612-291-7771
 WABASKA - MN 55081 (507) 536-3244

SE Corner of SE 1/4 of Sec. 3, T. 114 N., R. 17 W., Dakota County C.L.M.

Pwa 5/6/05



Approved
Phasing Plan

#2003-18

\$1020.00
application
fee
City of Hastings

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: SOUTH PINES 6

Legal Description of Property Involved: SEE PLANS

Applicant:

Name Lawrence Builders
Address 1125 South Frontage Rd
Hastings MN 55033
Phone 651-437-6611
Fax 651-437-6732

| | |
|-------------------|------------------|
| Official Use Only | |
| Date Rec'd | <u>3/5/03</u> |
| File No. | <u>#2003-18</u> |
| Fee Paid | <u>\$1020.00</u> |
| Rec'd by | <u>Ky</u> |
| Ordinance # | |
| Section | |

Owner (If different from Applicant):

Name South Pines Partnership
Address 1350 S. Frontage Rd
Hastings MN 55033
Phone 651-437-1818

Request: _____
Rezoning: X \$250
Comp Plan Amend: X \$200
Site Plan: _____
Variance: _____

Special Use: _____
Subdivision: PRELIMINARY AND FINAL PLAT \$500
Vacation: _____
Other: _____
TOTAL: _____
+ \$0.10 per lot

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

[Signature] 3/4/03
Signature of Applicant Date
[Signature]
Signature of Owner Date

3/5/03.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: Public Hearing – Vacation of Easement #2003-24 – Pleasant Acres 1st Addition (Twin Cities Habitat for Humanity)

REQUEST

The City Council is asked to hold a public hearing to vacate portions of a 25 foot drainage and utility easement across the western boundary of PLEASANT ACRES 1ST ADDITION located between Pleasant Drive and North Frontage Road.

First reading was considered at the April 7, 2003 City Council Meeting.

BACKGROUND

The existing 25 foot drainage and utility easement was established in 1996, and platted as part of Pleasant Acres 1st Addition in 2002. The portion of the easement adjacent to Block 1, Lot 5 is not necessary, and renders the lot unbuildable. Staff has determined that a standard five foot perimeter easement would suffice.

ATTACHMENTS

- Resolution
- Location Map
- Vacation Exhibit
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
VACATING PORTIONS OF A DRAINAGE AND UTILITY EASEMENTS –
PLEASANT ACRES 1ST ADDITION**

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

WHEREAS, Twin Cities Habitat for Humanity, Inc. has petitioned for vacation of the following drainage and utility easements:

The most eastern 20 feet of the drainage and utility easement across the most western portion of Lot 5, Block 1, PLEASANT ACRES 1ST ADDITION , Dakota County, Minnesota; except the most northerly 30 feet.

WHEREAS, on April 21, 2003, a Public Hearing on the proposed vacation was held before the City Council of the City of Hastings; and

WHEREAS, the City of Hastings in all respects proceeded with the vacation hearing as provided by the Charter, ordinances and applicable Minnesota Statutes.

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

That the request to vacate the above described easement in PLEASANT ACRES 1ST ADDITION is hereby approved as presented effective of this date.

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.

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 21ST day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.




Melanie Mesko
Administrative Assistant/City Clerk

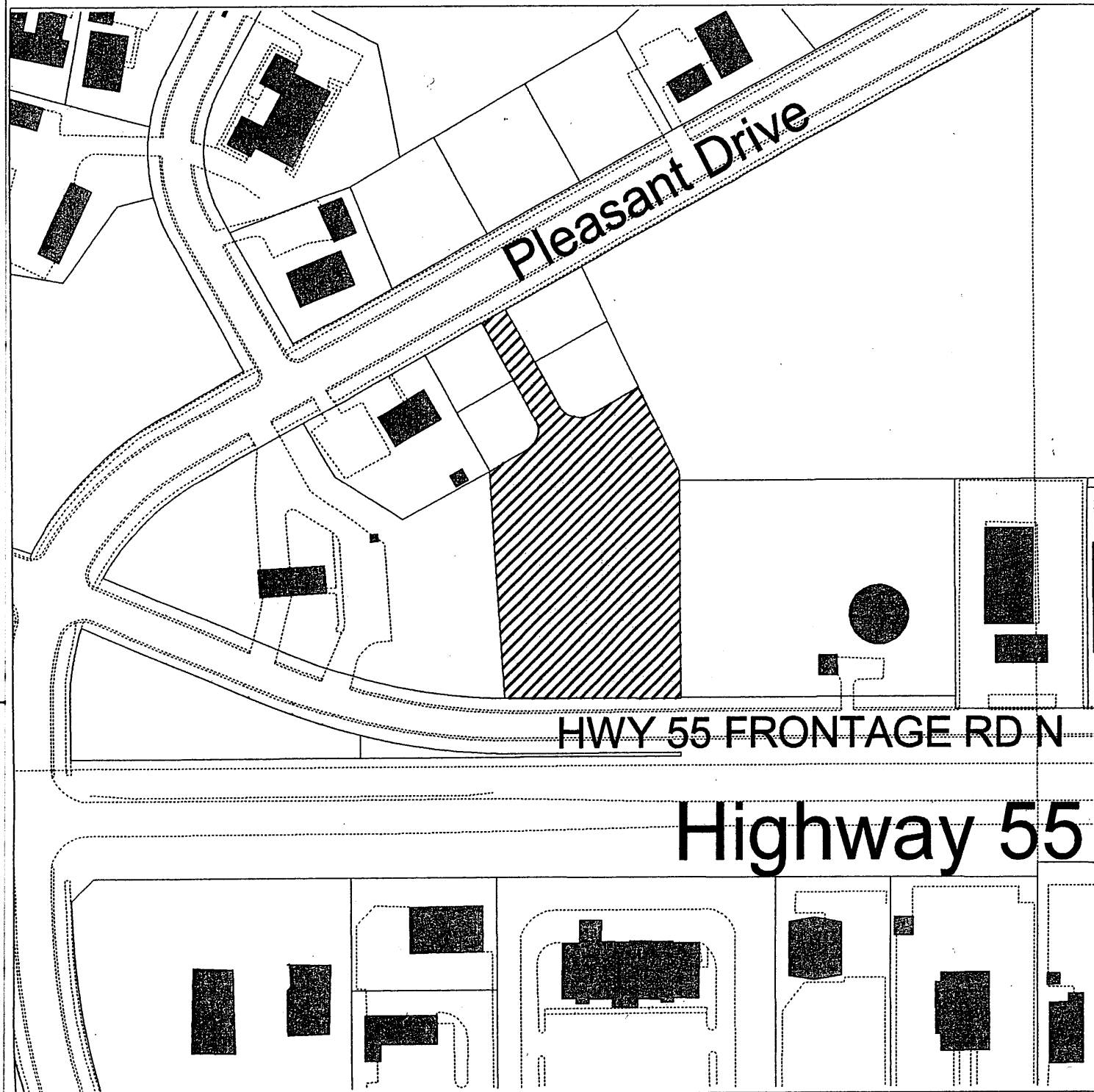
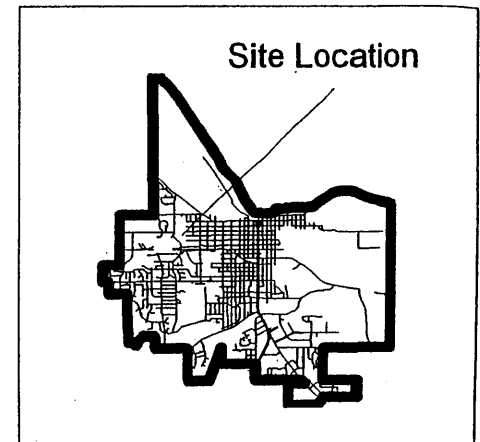
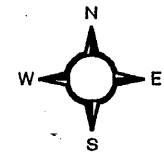
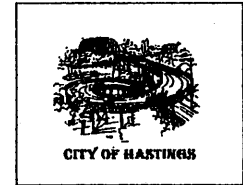
(SEAL)

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

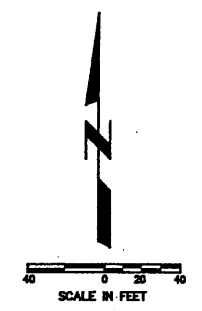
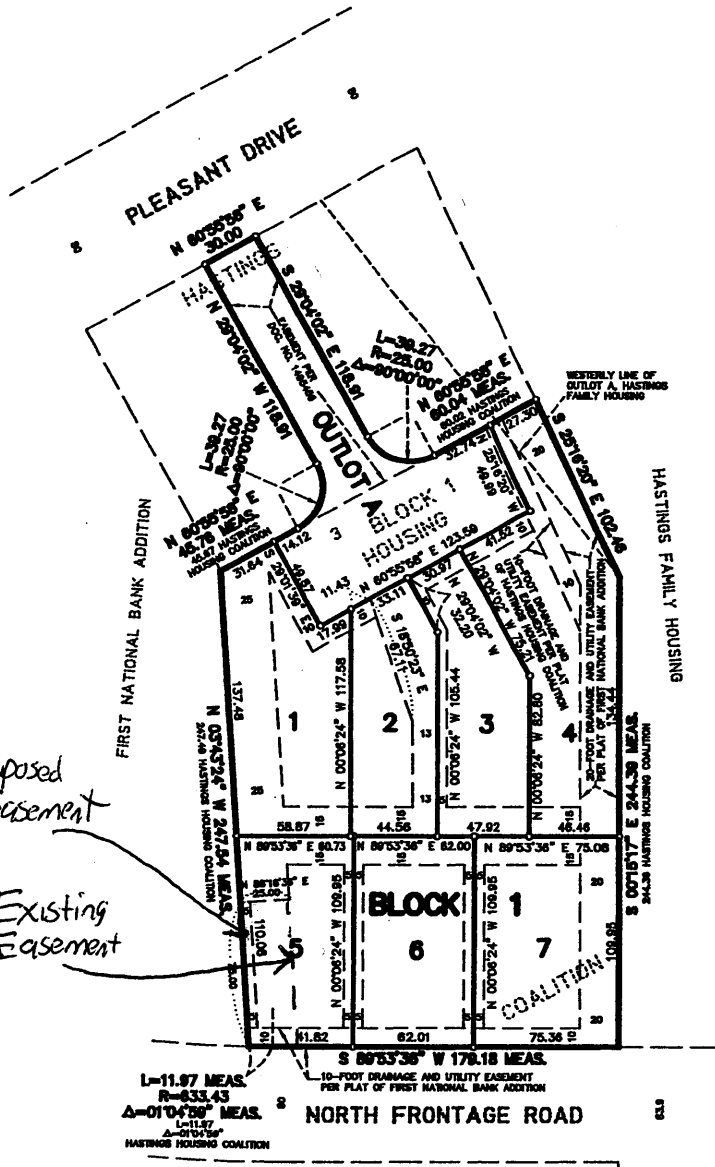
Pleasant Acres 1st Addition Final Plat

Legend

-  Buildings
-  Roads
-  Parcels



PLEASANT ACRES FIRST ADDITION



BEARINGS ARE BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM

- DENOTES 5/8 INCH X 18 INCH STEEL ROD SET WITH CAP STAMPED 13407
- DENOTES IRON MONUMENT FOUND

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THERE



BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES AND BEING 6 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE SHOWN ON THE PLAN.

KNOW ALL MEN BY THESE PRESENTS That This City Habitat for Humanity, a Minnesota nonprofit corporation, owner and proprietor of the following described property situated in the County of Dakota, State of Minnesota, to-wit:

Lot 3, Block 1, HASTINGS HOUSING COALITION, on the and of record in the office of the County Recorder, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as PLEASANT ACRES FIRST ADDITION and do hereby donate and dedicate to the public for public use forever the easements for drainage and utility purposes as shown on the plat.

In witness whereof said This City Habitat for Humanity, a Minnesota nonprofit corporation, has caused these presents to be signed by its proper officer this ____ day of ____ 20__.

President

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of ____ 20__ by _____, President of This City Habitat for Humanity, a Minnesota nonprofit corporation, on behalf of the corporation.

Notary Public, _____ County, _____
My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as PLEASANT ACRES FIRST ADDITION; that this plat is a correct representation of said survey; that all distances are correctly shown in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no void lands as defined in Minnesota Statutes, Section 606.02, Subd. 1 or public highways to be designated on the plat.

Mark D. Kemper, Licensed Professional Land Surveyor
Minnesota License No. 19407

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of ____ 20__ by Mark D. Kemper, Licensed Professional Land Surveyor.

Notary Public, _____ County, Minnesota
My Commission Expires _____

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, on the ____ day of ____ 20__.

Chair

We do hereby certify that on the ____ day of ____ 20__ the City Council of Hastings, Minnesota, approved this plat.

Mayor

Clerk

Pursuant to Minnesota Statutes, Sec. 363B.565 this plat has been approved this ____ day of ____ 20__.

Fred Johnson, Dakota County Surveyor

I hereby certify that the taxes for the year 2002 for the land described on the plat as PLEASANT ACRES FIRST ADDITION have been paid and no delinquent taxes are due and transfer entered this ____ day of ____ 20__.

Dakota County Treasurer - Auditor

Document Number _____ Certificate Number _____
I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of ____ 20__ at ____ o'clock _____, and was duly recorded in Book _____ of _____ on Page _____.

Dakota County Recorder

#2003-24

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT
101 4th Street East, Hastings, MN 55033
Phone 651.480.2350 Fax 651.427.7082

Address of Property Involved: Not yet assigned

Legal Description of Property Involved: Lot 1 and Lot 5, Block 1, Pleasant Acres First Addition, Dakota County, Minnesota.

Applicant: Twin Cities
Name Habitat for Humanity, Inc.
Address 3001 4th Street SE
Minneapolis, MN 55414
Phone (612) 331-4090
Fax (612) 331-1540

| |
|---------------------------|
| Official Use Only |
| Date Rec'd <u>3/25/03</u> |
| File No. <u>2003-24</u> |
| Fee Paid <u>0</u> |
| Rec'd by <u>Stinerman</u> |
| Ordinance # _____ |
| Section _____ |
| App. Com. _____ |

Owner (If different from Applicant):
Name Same as above
Address _____
Phone _____
Fax _____

| | |
|------------------------|---------------------------|
| Request: _____ | Special Use: _____ |
| Rezone: _____ | Subdivision: _____ |
| Comp Plan Amend: _____ | Vacation: <u>\$100.00</u> |
| Site Plan: _____ | Other: _____ |
| Variance: _____ | TOTAL: <u>\$100.00</u> |

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

Request vacation of the easement for drainage purposes over the West 25 feet of Lots 1 and 5, as originally recited in Document Number 1333611, and rededicated on the Pleasant Acres First Addition Plat. The width of the current easement does not leave enough room to build a home on Lot 5. We are willing to execute a new drainage easement across the West 25 feet of Lot 1 and a narrower portion of Lot 5, if the city so desires.

| | | | |
|------------------------|----------------|--------------------|----------------|
| Signature of Applicant | Date | Signature of Owner | Date |
| <u>Julie Gugin</u> | <u>3 25 03</u> | <u>Julie Gugin</u> | <u>3 25 03</u> |

Applicant Name and Title - Please Print Julie Gugin, Vice President, Twin Cities Habitat for Humanity, Inc.
Owner Name - Please Print Owner and Applicant.

MEMORANDUM

VII-6

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Approve Second Reading—Strong Beer License

Council Action Requested:

Conduct the public hearing and approve the second reading for an amendment to Chapter 3, which would allow the City to issue a "strong beer" license, contingent upon certain requirements being met.

Background Information:

On April 7, 2003, the City Council approved a first reading and ordered a public hearing to consider an amendment to Chapter 3 regarding the ability of the City to issue a strong beer license to an establishment that attests that 60% of their sales are generated from food. Current City Code does not allow this. Should the ordinance amendment be approved, staff will work closely with the owners of The Red Feather to ensure compliance with the strong beer code requirement. Should The Red Feather, or any other establishment licensed under this provision fail to comply with the code requirements, their strong beer license would not be recommended for approval in the future.

If you have any questions, please let me know.

ORDINANCE NO. _____ - SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
HASTINGS CITY CODE CHAPTER 3 BY ALLOWING CERTAIN
ON-SALE WINE LICENSE HOLDERS TO
ALSO SELL INTOXICATING MALT LIQUOR AS ON-SALE**

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

- I. Hastings City Code Chapter 3.4 Subdivision 3 is amended by adding the following subparagraph:

Section 3.4 Subdivision 3

- C. On-sale wine licensees who also hold an on-sale 3.2% malt liquor license and whose gross receipts are at least 60% attributable to the sale of food, are authorized to also sell intoxicating malt liquor at on-sale. Such license holders, as a further condition of their license, must provide to the city, upon demand, such documentation that the city deems to be necessary to demonstrate the amount of annual sales related to food. License holders who sell intoxicating malt liquor must further comply with all insurance requirements imposed by city code and state statute for the on-sale of intoxicating liquor.

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.

CITY OF HASTINGS

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Asst./City Clerk

MEMORANDUM

VII-7

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Second Reading—Chapter 12 Amendments: Reconnection Fees

Council Action Requested:

After a public hearing, approve the second reading for an amendment to Chapter 12.04, which deals with reconnection fees.

Background Information:

On March 17, Council approved a change to several utility fees, including reconnection fees for water shut-offs. Upon further review, it was noticed that Chapter 12 is inconsistent with the establishment of those fees. Under Section 12.02, the code states that all utility fees and charges will be established by Council resolution; under Section 12.04, reconnection fees are outlined. Therefore, staff is recommending some housekeeping language to clear up this inconsistency.

If you have any questions, please let me know.

CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. ____, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS
DELETING SECTION 12.04, SUBD. 1 RELATING
TO RECONNECTIN CHARGES IN THE CITY OF HASTINGS

The City Council of the City of Hastings hereby ordains:

1. Hastings City Code Chapter 12.04, Subd. 1 is Amended by Deleting the Following:

~~RECONNECTION CHARGES~~ the following charges will be made as the result of any disconnection of utility services:

- ~~A. When disconnection is requested by the utility user, a reconnection charge of \$15.00 will apply during regular business hours and \$50.00 after business hours.~~
- ~~B. When disconnection is the result of an unpaid/delinquent account, a reconnection charge of \$50.00 will apply during regular business hours and \$75.00 if reconnection is necessary after regular business hours.~~

Violation a Misdemeanor. Every person who 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.

City of Hastings

Michael D. Werner
Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

**CITY OF HASTINGS
COUNTY OF DAKOTA, MINNESOTA**

RESOLUTION 04-__-03

**RESOLUTION SETTING THE FEES FOR
UTILITY RECONNECTIONS
WITHIN THE CITY OF HASTINGS**

WHEREAS, the City of Hastings has amended its code to establish a fee increase for reconnection charges of utility services; and

WHEREAS, the Hastings City Code permits the fee to be established by Council resolution; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hastings, that the following utility reconnection fees are hereby in effect:

| | |
|--|-----------------|
| Reconnection per resident request (during regular working hours of 7:00 a.m. to 3:00 p.m.): | \$50.00 |
| Reconnection per resident request (outside regular working hours of 7:00 a.m. to 3:00 p.m.): | \$100.00 |
| Reconnection due to non-payment: | \$100.00 |

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS,
MINNESOTA, THIS 21st DAY OF APRIL, 2003.**

Ayes:

Nays:

Absent:

**Michael Werner
Mayor**

**Melanie Mesko Lee
Administrative Assistant/City Clerk**

(SEAL)

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 15, 2003
Re: Revisions to Public Works Garage Usage Policy

Council is requested to adopt the enclosed revised policy on personal use of the Public Works Garage. Council adopted the original policy in November of 1995. The proposed revisions to the policy include permitting TRAC drivers to use the facility and to limit the hours the facility may be used.



POLICY ON PERSONAL USE OF PUBLIC WORKS GARAGE

1. Personal use of the Public Works Garage is limited to Public Works and TRAC employees only. Family members or friends are not permitted in the facility.
2. Public Works and TRAC employees must sign a hold harmless agreement and return it to their supervisor before they will be permitted to bring personal vehicles into the garage.
3. Personal use of the Public Works Garage is only permitted between the hours of 3:00 PM to 8:00 PM Monday through Friday, and 7:00 AM to 6:00 PM Saturdays, Sundays and holidays.
4. Personal use of the Public Works Garage is limited to the large drive through garage area on the southwest side of the facility.
5. Employees using the garage for personal use must clean up after themselves and must alarm the security system when leaving after hours. In order to prevent false alarms, employees shall check the building for other employees prior to arming the security system.
5. Personal use of the Public Works Garage is limited to washing or performing minor maintenance on the personal vehicle the employee routinely drives to work, or parking personal vehicles inside during snow events.
6. Washing of personal vehicles inside the garage is limited to the wash bay area only. Employees may wash their vehicle before work, after work, during lunch break, or on weekends. Employees may not wash their vehicles during their coffee break time.
7. Employees may perform minor maintenance on their personal vehicles only after work or on weekends during the above specified hours. Employees may not perform minor maintenance before work, during coffee break, or during lunch break. Under no conditions will use of the lifts in the maintenance garage be permitted for personal use.
8. Employees may park their personal vehicles inside the garage during snow removal or sanding operations. The personal vehicles cannot block the center aisle or otherwise disrupt operations. No City equipment will be parked outside to make room for personal vehicles. Keys must be left in the personal vehicle's ignition. Employees may park their personal vehicles in the garage during times other than snow events with their supervisor's approval, provided there is an open parking spot.
9. Employees may use outside electrical outlets to plug in engine heaters in their personal vehicles. These vehicles may only be parked in the patio area parking stalls.
10. Public Works supervisors are responsible for the operations, maintenance and security of the Public Works Garage, and as such, may direct any employee using the garage for personal use. Violation of this policy may result in employee's loss of garage privileges and disciplinary action taken against the violating employee.

November 22, 1995

Revised April 21, 2003 TMM

C:\Documents and Settings\TMontgomery\My Documents\Word Docs\STAFF\Policy on Personal Use of Public Works Garage-Approved.doc

MEMORANDUM

VII-8

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Approve Second Reading—Late Fee Charges

Council Action Requested:

Conduct the public hearing and approve the second reading for an amendment to Chapter 5, which would establish penalties for late payment of license fees.

Background Information:

On April 7, 2003, the City Council approved a first reading and ordered a public hearing to consider an amendment to Chapter 5 regarding the ability of the City to charge late fees for license invoices not paid by the billing date. Letters outlining the proposed changes were sent to over 70 current licensees. As of April 6, 2003, only one call regarding the proposed changes was received; the licensee neither supported nor opposed the proposal, but instead asked for some clarification.

Currently, many licenses renewals are billed on an annual basis, including but not limited to liquor, massage, tobacco, and residential rental, to name a few. Some licensees do not pay their fees in a timely manner, necessitating multiple statements being sent out by the Finance Department in order to receive payment. Each notice sent out cost the City in staff time and materials; therefore, staff is recommending the attached ordinance amendment, which would establish a penalty for licensees who do not pay their annual fees within the thirty day timeline established by our billing cycle.

If you have any questions, please let me know.

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. ____, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS
ESTABLISHING PENALTIES FOR
LATE PAYMENTS IN THE CITY OF HASTINGS**

The City Council of the City of Hastings hereby ordains:

- 1. Hastings City Code Chapter 5 is Amended by Adding the Following New Section 5.92.**

Section 5.92

Section 1. Purpose. The purpose of this Section is to establish penalties for failure to pay annual license fees within the thirty-day timeline provided by the City of Hastings.

Section 2. Definition. For the purpose of this section,

1. "License Fees" are those fees which are imposed by the City for a variety of licenses, including but not limited to liquor, gambling, tobacco, amusement and rental property.
2. "Penalty" is the fee charged by the City of Hastings to those individuals who do not pay the invoiced license fee by the date noted on the invoice sent to the licensee.

Section 3. Penalty Established. A penalty in the amount of 10% of the license fee invoiced or \$30, whichever amount is greater.

Section 4. Failure To Pay Penalty. Failure to pay any penalty imposed by this section shall be grounds for the suspension or termination of any license issued by the city.

Section 5. Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall invalidate or affect the validity and enforceability of any other section or provision of this ordinance.

Section 6. Violation a Misdemeanor. Every person who 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.

City of Hastings

Michael D. Werner
Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

MEMORANDUM

To: Mayor Werner & City Councilmembers **VII-9**
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Conduct Public Hearing and Approve Second Reading for Amendment
to Chapter 5—Establishing Fireworks Regulations

Council Action Requested

Council is requested to conduct a public hearing and approve the second reading for amendments to the City Code, Chapter 5, adding a section establishing fireworks regulations.

Background Information:

A first reading was conducted April 7, 2003 and a public hearing was ordered for the meeting on the 21st. Staff has sent notices of the proposed changes to over thirty local businesses, requesting comment. As of April 16, 2003, no comments have been received by any local businesses.

The Public Safety Committee has also reviewed the proposed ordinance amendments and has recommended approval of the proposed changes. Some highlights of the proposed ordinance are as follows:

- Inspection Required: the Fire Marshal will conduct annual inspections on premises proposed to be licensed.
- Insurance Requirements: Per Dave Dotson, \$1,000,000 minimum coverage will be required.
- Proposed prohibition on transient sales: Staff is proposing that sales and storage of legal, consumer fireworks only be permitted in permanent structures in C-1, C-2, C-3 & C-4 zoning districts.
- Compliance Checks: The Police Chief has indicated that the police department would be able to conduct annual compliance checks for sales to minors. Staff anticipates that a penalty system similar to tobacco and liquor license compliance checks would also be introduced.
- Time of Discharge: There is a reference to compliance with the City's noise ordinance (page 4), but that code does not iterate specific times. Therefore, staff is proposing a limitation on when fireworks can be discharged: prohibited between the hours of 11:00 p.m. and 8:00 a.m.

- Violations: As mentioned above, staff proposes an administrative citation for violations of the City Code. At this time, the draft states that the fine structure will be established by Council resolution. The following fines are proposed for discussion:
 - First violation: \$500 fine
 - Second violation: \$1,000 fine
 - Third violation: \$2,000 fine & 3 day license suspension
 - Fourth violation: license revocation
- Annual License Fee: \$150 (established by resolution)
- Initial Background Check: \$150 (established by resolution)
- Section 13. Application of Ordinance Provisions. The provisions of this ordinance shall apply to all applications of any nature to sell consumer fireworks which are pending on the effective date of this ordinance, as well as those applications which may have been granted prior to the effective date of the ordinance.

Attachments:

1. Proposed Ordinance

**CITY OF HASTINGS
COUNTY OF DAKOTA, MINNESOTA**

RESOLUTION 04-__-03

**RESOLUTION SETTING THE FEES FOR
FIREWORKS LICENSES AND BACKGROUND INVESTIGATION
FEES FOR FIREWORKS APPLICATIONS
WITHIN THE CITY OF HASTINGS**

WHEREAS, the City of Hastings has established a licensing process for storage and sale of fireworks within the City of Hastings; and

WHEREAS, The City Council of the City of Hastings has determined that it is necessary to establish licensing fees and a background investigation fee; and

WHEREAS, licensing fees are hereby established on an annual basis and background investigation fees are hereby established for the initial application for sales of fireworks.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hastings, that the following fireworks license fees are hereby in effect:

| | |
|-------------------------------|--|
| Annual Fireworks License Fee: | \$150 per establishment per year |
| Background Investigation Fee: | \$100 per establishment at time of initial application |

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS,
MINNESOTA, THIS 21st DAY OF APRIL, 2003.**

Ayes:

Nays:

Absent:

**Michael Werner
Mayor**

**Melanie Mesko Lee
Administrative Assistant/City Clerk**

(SEAL)

Ordinance No. _____, Second Series

**An Ordinance of the City of Hastings Establishing
Fireworks Regulation and Establishing Penalties
for Violations Within the City of Hastings**

The City Council of the City of Hastings hereby ordains:

**I. Hastings City Code Chapter 5 is Amended by Adding the Following
New Section 5.53.**

Section 5.53

Section 1. Purpose. The purpose of this Section is to regulate the sale, storage, display, and possession of permitted consumer fireworks in order to protect the health, safety, and welfare of the general public. The City Council makes the following findings regarding the need to license and regulate the sale, distribution, storage, and display of fireworks permitted under State Law.

1. Consumer fireworks contain pyrotechnic chemical compositions that are combustible; accordingly, the unregulated accumulation, storage, display, use, and sale of these items present a fire safety hazard; and
2. The improper disposal of consumer fireworks presents environmental hazards; and
3. Due to their short-term and mobile nature, it is more difficult and demanding of City staff and public safety resources to enforce compliance with City ordinances and state law for temporary and transient sales of consumer fireworks than it is for established, permanent businesses.

Section 2. Definition. For the purposes of this section, "Consumer Fireworks" will have the same definition as contained in Minnesota Statutes, Section 624.20, Subd. 1 (c), and as may be amended. Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, these include:

- a. Cylindrical Fountain. Upon ignition, a shower of colored sparks or smoke and sometimes a whistling effect is produced.
- b. Cone Fountain. The effect is the same as that of a cylindrical fountain. When more than 1 cone is mounted on

a common base, total pyrotechnic composition may not exceed 200 grams.

- c. Illuminating Torch.
- d. Wheel. Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. Upon ignition, the wheel revolves, producing a shower of color and sparks and sometimes, a whistling effect.
- e. Ground Spinner. Small device venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. The rapidly spinning device produces a shower of sparks and color.
- f. Flitter Sparkler. Narrow paper tube attached to a stick or wire that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.
- g. Flash/Strobe. Emit a bright light.
- h. Novelty items such as snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers snappers, and drop pops, each consisting of not more that twenty-five hundredths grains of explosive mixture.

Section 3. License Required. No person shall sell or possess for sale or store "consumer" fireworks, as defined in this section, without first having obtained a license from the City of Hastings. It is unlawful to sell fireworks in the City of Hastings in violation of Minnesota Statutes, Section 624.20 through 624.25, inclusive, which are adopted by reference.

Section 4. License Application. The application for a license for the storage and sale of fireworks shall be made to the City Clerk on the form(s) approved by the City of Hastings and shall include:

- 1. The name, address, and phone number of the applicant;
- 2. The address of the proposed location where the fireworks are to be sold or stored, if different locations;
- 3. If the applicant does not own the business premises, a true and correct copy of the current, executed lease, as well as the written authorization of the property owner for the applicant's use of the property for the sale of permitted fireworks;
- 4. A sketch of the sales location showing where the fireworks are proposed to be displayed, the proposed amount of fireworks to be on the premises at any one time (including but not limiting a list documenting the name, weight, and quantity of fireworks, accompanied by applicable Material

Safety Data Sheets), and any other information deemed relevant by the City's Fire Marshal regarding fire safety on the premises. This information shall also be made available to all employees and produced immediately upon request from any public safety official.

5. Completion of applicable release forms which authorizes the City of Hastings of conduct a background criminal record check on the applicant(s).
6. The Fire Marshal will perform a fire code compliance inspection of the entire property prior to issuance of license. The Fire Marshal shall have 30 days notice to perform inspections. If 30 days notice is not given, an application may not be approved.
7. Proof of insurance. All applicants must have, at all times, a valid certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota, evidencing that the applicant's use of the property is currently covered by a liability insurance policy. The minimum limits of coverage for such insurances shall be:
 - a. At least \$1,000,000 for each claim, and
 - b. At least \$1,000,000 for each incident.

Such insurance shall be kept in force during the term of the license and the licensee must provide for prior notification to the City of Hastings should the policy be terminated or canceled. A certificate of insurance must accompany all initial and renewal license applications. The City of Hastings must be notified at least 30 days in advance if an insurance policy is under threat of cancellation.

Section 5. Sales and Storage of Fireworks

1. No person shall sell or store fireworks within 100 feet of any fuel dispensing apparatus;
2. It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks. At least two "No Smoking" signs must be conspicuously posted and approved fire extinguishers must be readily available and operational.
3. There shall be at least two (2) fully accessible exits from all buildings from which fireworks are stored or sold.
4. The proposed premises must be in compliance with the State Building Code and the State Fire Code.
5. The sale of consumer fireworks is only permitted in the C-1, C-2, C-3 and C-4 zoning districts.

6. There shall be no storage or sale of consumer fireworks from structures of mixed occupancy when one of the occupancies is an 'R' (residential).
7. Transient sales of consumer fireworks are prohibited.
8. The allowable time for discharging consumer fireworks shall be consistent with the City of Hastings noise ordinance.
9. Sale displays of consumer fireworks shall not be placed near business exits.
10. When approved by the Fire Marshal, continuous storage of consumer fireworks over one hundred (100) lbs. net of pyrotechnic composition or four hundred (400) lbs. gross weight shall be allowed in an approved structure within the Hastings Industrial Park.

Section 6. Processing Application. The application must be filed, together with the full license fee and any other applicable fees, with the City Clerk. Following a criminal background check and an inspection of the premises proposed to be licensed, the application shall be forwarded to the City Council of the City of Hastings for approval or denial.

Section 7. Terms and Conditions of Fireworks License. A license for the storage or retail sale of consumer fireworks will be issued upon the applicant meeting the following terms and subject to the following conditions:

1. Neither the applicant nor the responsible party for the license shall have been convicted of a felony, unless the conviction was discharged pursuant to; and/or the applicant or responsible party shall not have had a license to sell fireworks revoked within the last three (3) years.
2. The license is non-transferable, either to a different party or a different location.
3. The license must be clearly and publicly displayed on the licensed premises.
4. The applicant must be at least 18 years of age when application is made.
5. Consumer fireworks must not be sold to persons under the age of 18. Photo identification must be checked with each sale.
6. All sales must take place in a building which meets all applicable provisions of the State Building Code and the State Fire Code.
7. In buildings without an approved, automatic fire sprinkler system throughout, consumer fireworks will be limited to fifty

- (50)lbs. net or two hundred (200) lbs. gross weight if the pyrotechnic mixture weight is not known.
8. In buildings with an approved automatic fire sprinkler system throughout, consumer fireworks will be limited to one hundred (100) lbs. net or four hundred (400) lbs. gross weight if the pyrotechnic mixture is known.
 9. All licensees shall be responsible for the actions of their employees with regards to the sale of consumer fireworks on the licensed premises, and for purposes of this ordinance, the sale of consumer fireworks by an employee will be considered a sale by the license holder.

Section 8. Discharge Rules and Regulations

1. It is unlawful to throw or toss any consumer fireworks at any person, animal, vehicle, thing, or object.
2. It is unlawful to throw or toss any consumer fireworks from a moving vehicle.
3. Juveniles may not possess consumer fireworks unless under the direct supervision of a responsible adult.
4. The Fire Chief or Fire Marshal may ban consumer fireworks displays and use of consumer fireworks if it is deemed that safety conditions exist.
5. It is unlawful to use or discharge any consumer fireworks along the route of and during any parade or at any place of public assembly or in any commercial/industrial district.
6. It is unlawful to use or discharge any consumer fireworks on public property without prior written consent of the Fire Marshal.
7. It is unlawful to use or discharge consumer fireworks of any kind inside of any structure.
8. It is unlawful to use or discharge consumer fireworks of any kind between the hours of 11:00 p.m. and 8:00 a.m.

Section 9. Violations and Penalties. Upon discovery of a violation of this ordinance, or pursuant to a compliance check, the licensee will be issued an administrative citation. Each violation, and every day in which a violation occurs or continues will constitute a separate offense.

Subd. 1. For purposes of determining the number of occurrences of violations, the City Council shall consider a violation as a second occurrence if it occurred within 18 months of the first violation and shall consider a violation a third violation if it occurred within 30 months of the second violation. The City Council shall consider a violation a fourth violation if it occurred within 30 months of the third violation.

- A. First Violation—the licensee shall pay a civil fine established by Council resolution.
- B. Second Violation—the licensee shall pay a civil fine established by Council resolution.
- C. Third Violation—the licensee shall pay a civil fine of established by Council resolution and shall have its license suspended for three consecutive days.
- D. Fourth Violation—the licensee’s license shall be revoked.

Subd. 2. All administrative fees imposed by this ordinance are to be paid within 60 days of the date of citation or not later than 30 days after the date of any written decision following the appeal process. Failure to pay any fee imposed herein within the time limits established will result in a license suspension until the date of payment.

Subd. 3. Nothing in this ordinance prevents the City Council from imposing a harsher penalty than those established by ordinance or resolution herein.

Subd. 4. In addition to any administrative citation and penalty imposed herein, the City reserves the right to also issue a criminal citation to any person who violates a provision of this city code section or any state law regarding the storage, display, or sale of consumer fireworks.

Section 10. Right of Hearing. Within twenty calendar days of the date of the written notice of violation, any cited party may request an opportunity to appeal the violation. Said request for appeal must be in writing and must be submitted to the City Clerk. The City Clerk will place the item on the agenda of the next regularly scheduled City Council meeting. Upon review, the City Council may affirm, modify, or overrule the initial determination of penalty.

Section 11. License Term and Fee.

- Subd. 1.** Licenses shall be issued on a calendar year basis.
- Subd. 2.** License fees will not be prorated.
- Subd. 3.** License fees will be established by Council resolution.

Section 12. Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall

not serve as an invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

Section 13. Application of Ordinance Provisions. The provisions of this ordinance shall apply to all applications of any nature to sell consumer fireworks which are pending on the effective date of this ordinance, as well as those applications which may have been granted prior to the effective date of the ordinance.

II. VIOLATION A MISDEMEANOR

Every person who 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.

City of Hastings

Michael D. Werner, Mayor

Melanie Mesko Lee,
Administrative Assistant/City Clerk

(SEAL)

MEMORANDUM

VII-10
VIII-C-7

TO: Honorable Mayor and City Councilmembers
FROM: Dave Osberg, City Administrator
DATE: April 17, 2003
SUBJECT: Annexation Ordinance

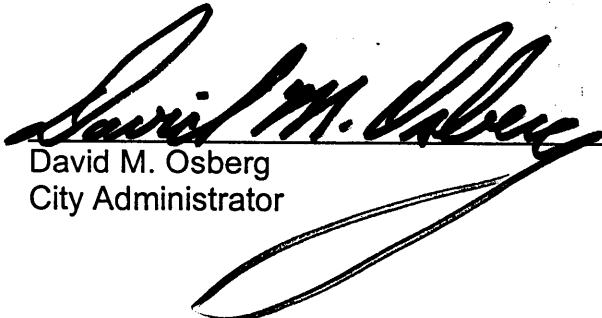
Recommended City Council Action

It is recommended that the City Council take action approving the second reading, after completion of the public hearing, of the attached ordinance annexing certain property into the City of Hastings.

Background

The City has received the enclosed petition for annexation from property owners of about 16 acres of property currently west of the City limits. The petition and map of the area are enclosed for review. Previous correspondence from Planning Director John Hinzman, to the applicants, regarding certain planning considerations are also attached for City Council review. Approval of the annexation does not provide any assurances for approval of the planning and zoning issues that will need to be addressed. The first reading of the ordinance was conducted by the City Council at the meeting on March 17, 2003. Notices have been mailed to Nininger Township at surrounding property owners.

At the last City Council meeting, certain questions were raised regarding the feasibility of annexing the land and the relationship to the City's Comprehensive Plan. Staff has attached a copy of the map from the Comprehensive Plan that illustrates the land as being a part of the 2020 plan, with a land use designation of 4-8 units per acre. While not a part of the City at the time of the Comprehensive Plan, the map does illustrate it as a part of the growth projections for the 2020 plan.


David M. Osberg
City Administrator

**AN ORDINANCE OF THE CITY OF HASTINGS EXTENDING ITS
CORPORATE LIMITS TO INCLUDE CERTAIN LAND
ABUTTING THE CITY WHICH IS OWNED BY
HASTINGS LAND LLC, a Delaware Limited Liability Company;
CAPITAL PROPERTY INVESTMENTS LLC, Its Manager;
James F. Vitt; Lonnie R. Pierce and Edward J. Dulak III**

PREAMBLE

Hastings Land LLC, a Delaware Limited Liability Company; Capital Property Investments LLC, Its Manager; James F. Vitt; Lonnie R. Pierce and Edward J. Dulak III, have represented to the City of Hastings that they are the sole owners of property described as follows:

That part of the Northeast quarter of the Southeast Quarter of Section 30, Township 115, Range 17, Dakota County, Minnesota, according to the Government Survey thereof, which lies South of a line described as: Commencing at the Northeast Corner of said North Half; thence South along the East line thereof 153.90 feet to the South right-of-way line of Trunk Highway No. 55; thence continuing South along said East line 603.00 feet to the point of beginning of the line to be described, thence deflecting 90 degrees 00 minutes 00 seconds right 1315.07 feet to the West line of said Northeast quarter of the Southeast quarter and there terminating.

16.94 acres

That the property is unincorporated; it abuts the limits of the City of Hastings; is not included with any other municipality; it is not included in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325; and is approximately 16.94 acres in size.

Section 1. The City Council hereby determines and finds that the property described above abuts the City of Hastings; that the area to be annexed is 60 acres or less; that the property is not included in any area that has already been designated for orderly annexation pursuant to Minn. Stat. 414.0325; that the City of Hastings received a properly prepared petition for annexation signed by all of the owners of the property; and that the petition for annexation complies with all of the provisions of Minn. Stat. 414.033.

Section 2. The property is urban or suburban in character and is in need of City services, which can be provided by the City of Hastings.

Section 3. The corporate limits of the City of Hastings are hereby extended to include the property described above, and that same property is hereby annexed to and included within the City of Hastings, as if the property had originally been a part of the City.

Section 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Minnesota Office of Planning; Nininger Township; Dakota County and the Minnesota Secretary of State.

Section 5. The Ordinance shall become effective upon its passage; seven days after its publication; the filing of the certified copies as directed in Section 4; and upon approval of this Ordinance by the Minnesota Office of Planning.

Adopted by the City Council of the City of Hastings, this _____ day of _____, 2003.

ayes:
nays:

Michael D. Werner
Mayor

ATTEST:

Melanie Mesko Lee
City Clerk

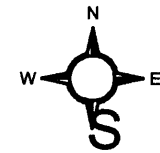
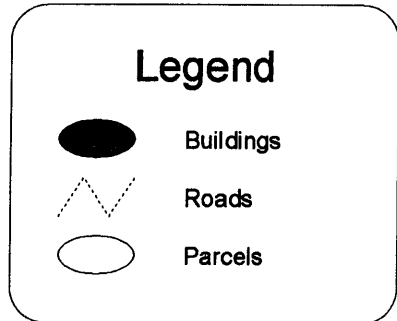
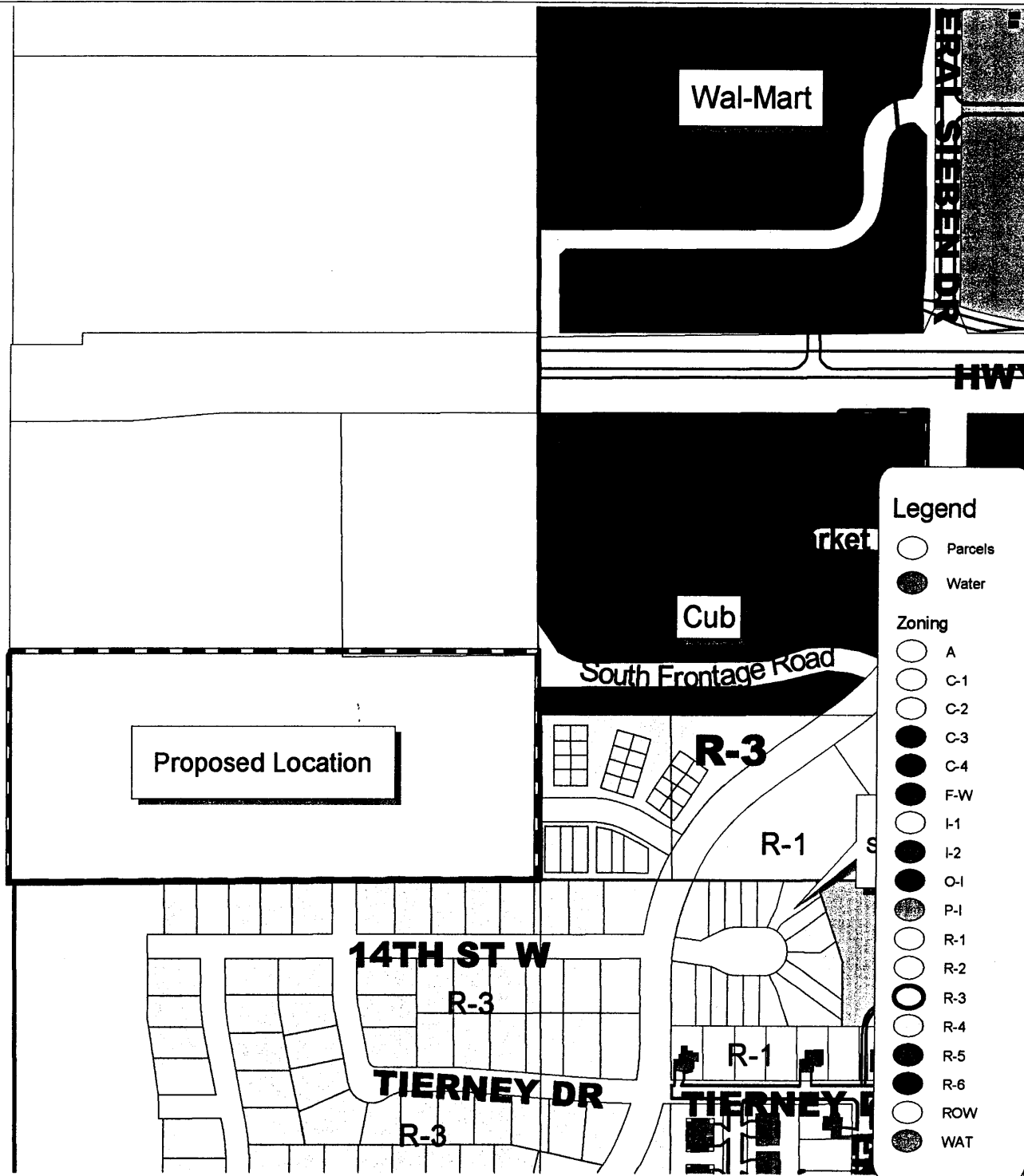
Certification

Melanie Mesko Lee, City Clerk of the City of Hastings, does hereby certify that the foregoing Ordinance is a true and correct copy of the Ordinance that was adopted at the Regular meeting of the City Council of the City of Hastings on _____.

Melanie Mesko Lee
City Clerk

-seal-

Annexation Capital Real Estate



Map Date: February 20, 2003

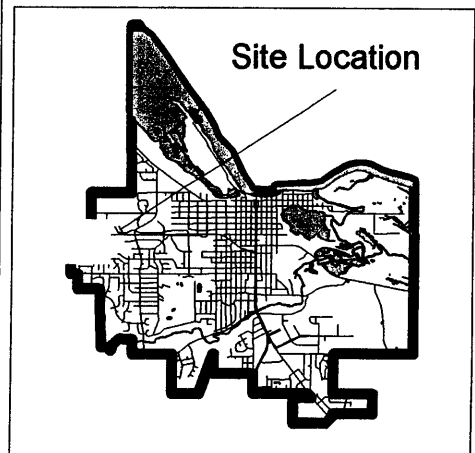
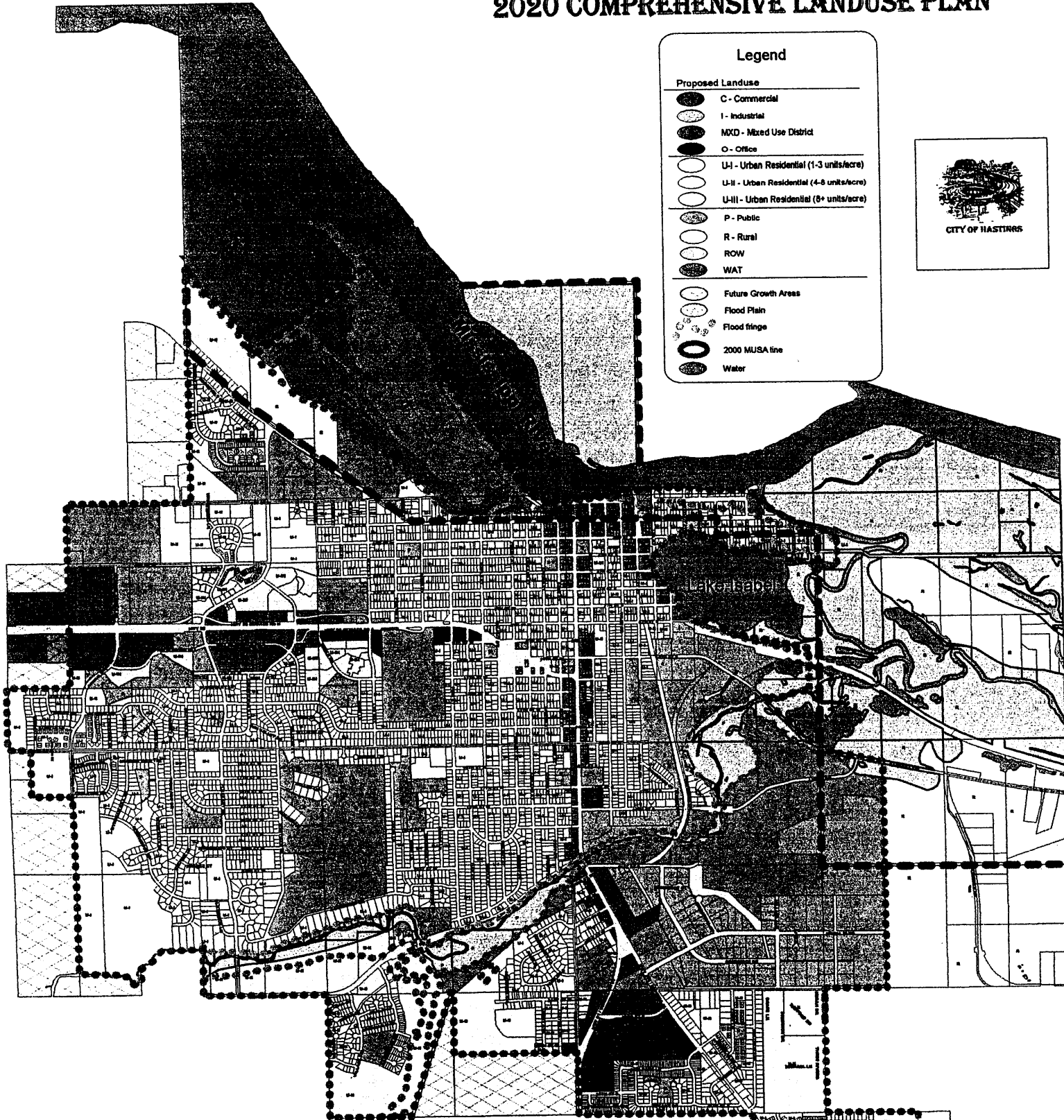


Figure 11

CITY OF HASTINGS 2020 COMPREHENSIVE LANDUSE PLAN



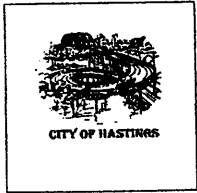
Legend

Proposed Landuse

- C - Commercial
- I - Industrial
- MXD - Mixed Use District
- O - Office
- U-I - Urban Residential (1-3 units/acre)
- U-II - Urban Residential (4-6 units/acre)
- U-III - Urban Residential (8+ units/acre)
- P - Public
- R - Rural
- ROW
- WAT

Future Growth Areas

- Flood Plain
- Flood fringe
- 2000 MUSA line
- Water



2020 Comp Plan Landuse City Limits

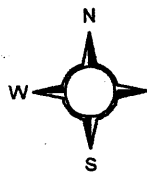
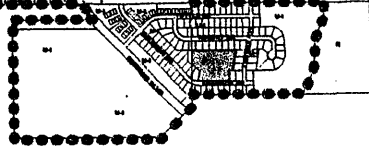
| Plan | Count | SUM ACRES | |
|---------------|-------------|-----------------|---------------|
| C | 224 | 243,352 | 3.12 |
| I | 192 | 354,444 | 4.37 |
| MXD | 120 | 34,758 | 0.44 |
| O | 28 | 16,490 | 0.21 |
| P | 161 | 1182,548 | 15.48 |
| R | 86 | 1481,923 | 19.32 |
| ROW | 158 | 876,588 | 11.48 |
| U-I | 6313 | 1516,768 | 19.84 |
| U-II | 1095 | 694,147 | 9.05 |
| U-III | 281 | 188,754 | 2.45 |
| WAT | 146 | 1197,422 | 15.68 |
| TOTALS | 6732 | 7638,504 | 100.00 |

2020 Future Growth Landuse

| Plan | Count | SUM ACRES |
|---------------|-----------|----------------|
| C | 2 | 32,100 |
| P | 1 | 6,790 |
| ROW | 7 | 8,320 |
| U-I | 24 | 260,810 |
| U-II | 5 | 125,930 |
| U-III | 1 | 18,360 |
| TOTALS | 40 | 452,510 |

2020 Total Comp Plan Landuse City Limits

| Plan | Count | SUM ACRES | |
|---------------|-------------|-----------------|---------------|
| C | 224 | 275,516 | 3.40 |
| I | 194 | 363,764 | 4.63 |
| MXD | 120 | 34,758 | 0.45 |
| O | 28 | 16,490 | 0.21 |
| P | 162 | 1189,238 | 15.67 |
| R | 86 | 1318,321 | 17.38 |
| ROW | 165 | 894,948 | 11.72 |
| U-I | 6337 | 1778,590 | 23.23 |
| U-II | 1100 | 820,877 | 10.73 |
| U-III | 284 | 199,892 | 2.60 |
| WAT | 146 | 1198,496 | 15.70 |
| TOTALS | 6744 | 8092,308 | 100.00 |



HASTINGS LAND LLC

March 6, 2003

City of Hastings
Attn: Dave Osberg
City Administrator
101 4th Street East
Hastings, MN 55033

RE: Annexation Petition

To Whom It May Concern:

Hastings Land LLC hereby petitions for the annexation of 16.94 acres of land, as legally described on Exhibit A, into the City of Hastings. The property is situated on the western edge of Hasting north of the Sunset West 2 development, west of the Bailey Ridge development and south of Highway 55. Attached as Exhibit B is a survey showing a depiction of the property to be annexed. Exhibit C attached is a complete report of ownership of all parcels of land situate within a radius of 350 feet of the 16.94 acres to be annexed by the City of Hastings along with mailing labels for each owner of such parcels.

IN WITNESS WHEREOF, the undersigned owners of the property described on Exhibit A hereby agree to this Petition for Annexation as of this 6th day of March, 2003.

HASTINGS LAND LLC, a Delaware Limited Liability Company

By: CAPITAL PROPERTY INVESTMENTS LLC
Its Manager

By: 

James F. Vitt

By: 

Lonnie R. Pierce, Its Member

By: 

Edward J. Dulak, III, Its Member

EXHIBIT A:

That part of the Northeast quarter of the Southeast Quarter of Section 30, Township 115, Range 17, Dakota County, Minnesota, according to the Government Survey thereof, which lies South of a line described as: Commencing at the Northeast corner of said North Half; thence South along the East line thereof 153.90 feet to the South right-of-way line of Trunk Highway No. 55; thence continuing South along said East line 603.00 feet to the point of beginning of the line to be described; thence deflecting 90 degrees 00 minutes 00 seconds right 1315.07 feet to the West line of said Northeast quarter of the Southeast quarter and there terminating.

ALTA/ACSM Land Title Survey

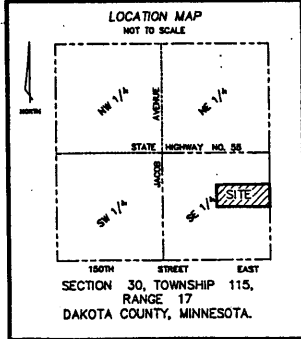
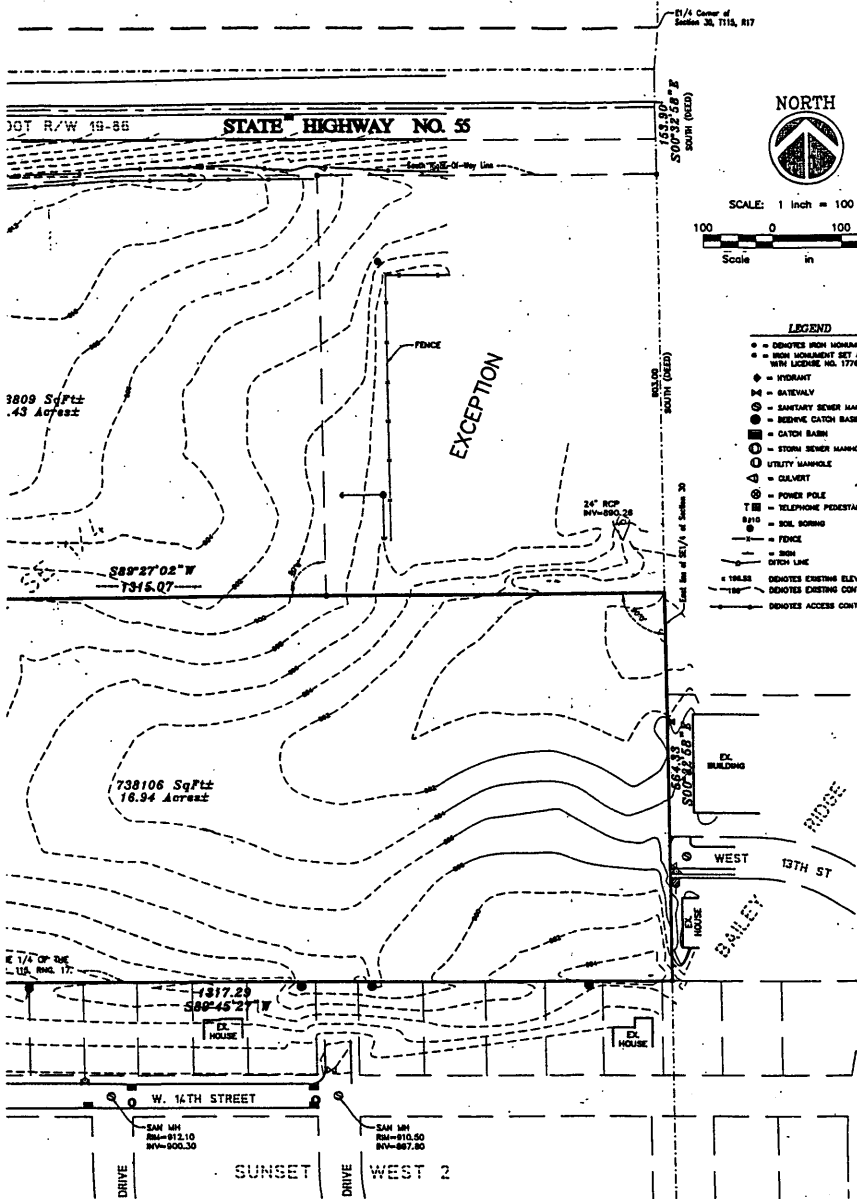
DESCRIPTION OF PROPERTY (As per Exhibit A of Commitment to Title from Commercial Partners Title, LLC, Commitment File No. 20067A, dated March 21, 2002.

DESCRIPTION: (Contains 16.94 acres including easement)
 That part of the Northeast quarter of the Southeast quarter of Section 30, Township 115, Range 17, Dakota County, Minnesota, according to the Government Survey thereof, which lies south of a line described as: Commencing at the Northeast corner of said North half; thence South along the East line thereof 153.90 feet to the South right-of-way line of Trunk Highway No. 55; thence continuing South along said East line 603.00 feet to the point of beginning of the line to be described; thence deflecting 90 degrees 00 minutes 00 seconds right 1315.07 feet to the west line of said Northeast quarter of the Southeast quarter and there terminating.

- NOTES:**
- Fee ownership is vested in Paul Augustine (2/3th interest), and Robert Augustine (1/3th interest), and Rosemary Sliken (1/3th interest), and Paul Augustine in trust for Dolores Augustine (1/3th interest).
 - Area 738,106 Sq. Ft. or 16.94 acres
 - Property is Abstract.
 - The property has access to West 13th Street, a public street.
 - The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Prior to any excavation or digging contact Upper State One Call for an on-site location (812-667-0022).
 - The survey (the "Survey") to which this certificate is attached, prepared by the undersigned and captioned "ALTA/ACSM Land Survey Title Survey", was actually made by instrument survey on the ground in accordance with the legal description provided by Commercial Partners Title, LLC (the "Title Company") as contained in Schedule A to the Title Company's commitment file No. 20067A, dated March 21, 2002, (the "Commitment"), and the information shown thereon, including without limitation, of course and distance and the area, is correct.
 - The land described in the survey and any encumbrances benefiting such land are pursuant to Schedule B to the Commitment to Title (the "Commitment") provided by Commercial Partners Title, LLC (the "Title Company") are shown on the survey together with buildings, structures, and improvements on said described property, that there are no visible encumbrances on said described property, streets, or ditches by any of said visible right-of-way or visible encumbrances on said described property other than those thereon, that there are no party walls or other encumbrances on said described property except as shown on said survey.
 - All encumbrances, encroachments and other matters for which legal or other descriptions are provided in the documents described in Schedule B to the Commitment are or appearing from a careful visual inspection are shown in the survey.
 - The property lies in flood zone "A" (area minimal flooding) as designated on Flood Insurance Rate Map Community Panel Number 2708500001, City of Hastings, published by the Federal Emergency Management Agency effective date December 18, 1981.

I hereby certify to Hastings Land, LLC, Capital Property Investments, LLC, Storms Bank, N.A. and Commercial Partners Title that this Survey was made in accordance with (1) the current survey standards of the American Title Association and American Congress on Surveying and Mapping including Rules 1, 2, 3, 4, 5, 6, 7(a) and (b), 8, 9, 10, 11(a), and 17 of Table A thereof and (2) the laws of the State. To the extent that there is any conflict or inconsistency among the Survey standards described above.

Dated this 14th day of Nov. 2002
 By: *[Signature]*
 Surveyor, Minnesota License No. 17765



| | | |
|---------------------|------------------|----------------|
| DRAWN BY: AJA/MA/MB | JOB NO: 886.001 | DATE: 11/04/02 |
| CHECK BY: RPA | DWG NO: 886001A1 | SHEET: 1 of 1 |
| DESCRIPTION | | BY |
| | | |

METRO
 LAND SURVEYING & ENGINEERING
 412 East County Road D, Little Canada, MN 55117
 Telephone: (651)766-0112 Fax: (651)766-0612
 E-mail: survey@metroinc.com

**City of Hastings
City Council
Public Hearing Notice**

Notice is hereby given that the Hastings City Council will conduct a public hearing on Monday April 21, 2003 at 7:00 PM in the Council Chambers at the Hastings City Hall, 101 East 4th Street; to consider the Adoption of an Ordinance of the City of Hastings, Extending its Corporate Limits to Include Certain Land Abutting the City, Which is Owned by Hastings Land LLC, A Delaware Company; Capital Property Investments LLC, Its Manager; James F. Vitt; Lonnie R. Pierce and Edward J. Dulak III. All persons interested in commenting on the proposed Ordinance will be given an opportunity to do so at the Public Hearing. A copy of the Ordinance is available for review at the Hastings City Hall during normal business hours.

David M. Osberg
City Administrator

Publication Date: March 20, 2003

CITY OF HASTINGS

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

Via Facsimile

February 7, 2003

Jim Vitt
Capital Real Estate, Inc.
50 South 6th Street
Suite 1480
Minneapolis, Minnesota 55402

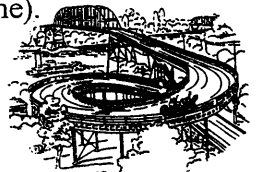
RE: Concept Plan – Augustine Property – West 13th Street & Tierney Drive

Dear Jim

I have received your preliminary concept plan for development of 118 townhomes on 16.94 acres located West of 13th Street and North of Tierney Drive and have the following comments:

General

- 1) Property is outside the City limits and must be annexed before development can commence. The annexation request should include all right-of-way to be platted.
- 2) The property is within the 2020 Comprehensive Guide Plan for development, and guided U-II Urban Residential (4-8 units per acre). A comprehensive plan amendment would be needed to extend municipal services.
- 3) A rezoning to R-3, Medium\High Density Residence would be needed before development can commence. The rezoning could be considered concurrent with the request to plat.
- 4) The roadway serving units west of Tierney Drive should be privately owned and maintained, all other roads shall be public.
- 5) Parking would be prohibited along the private road (at proposed width).
- 6) Private drive intersections with public roads should be increased to 28 feet.
- 7) Parking appears to meet minimum requirements of 2 spaces per unit + overflow parking.
- 8) The Grading and utility plans must make provision for drainage of areas adjacent to the site.
- 9) The “curve” of South Frontage Road at the northwest corner of the site must be reconfigured as a full intersection.
- 10) The Sunset West Preliminary Plat (directly south) does not incorporate right-of-way for South Frontage Road. The right-of-way must be relocated west of the Section boundary (the current alignment appears to center on the Section line).



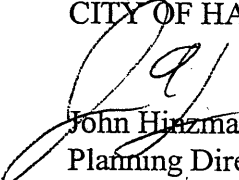
Planning Committee of the City Council Comments

- 1) Units west of Tierney Drive directly facing south and north have limited separation between existing homes and South Frontage Road, respectively. Further attention will be needed to create adequate separation, through a combination of increased setback, plantings, berming, or fencing.
- 2) The site may be too dense; west of Tierney Drive separation is tight along the edge of the property.
- 3) Driveway access to Tierney Drive may be problematic.
- 4) Strongly encourage mixed use of plantings and amenities for the site.

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

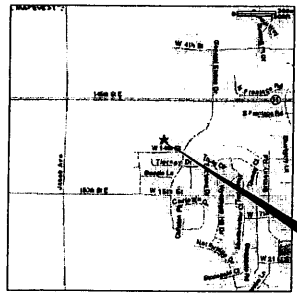
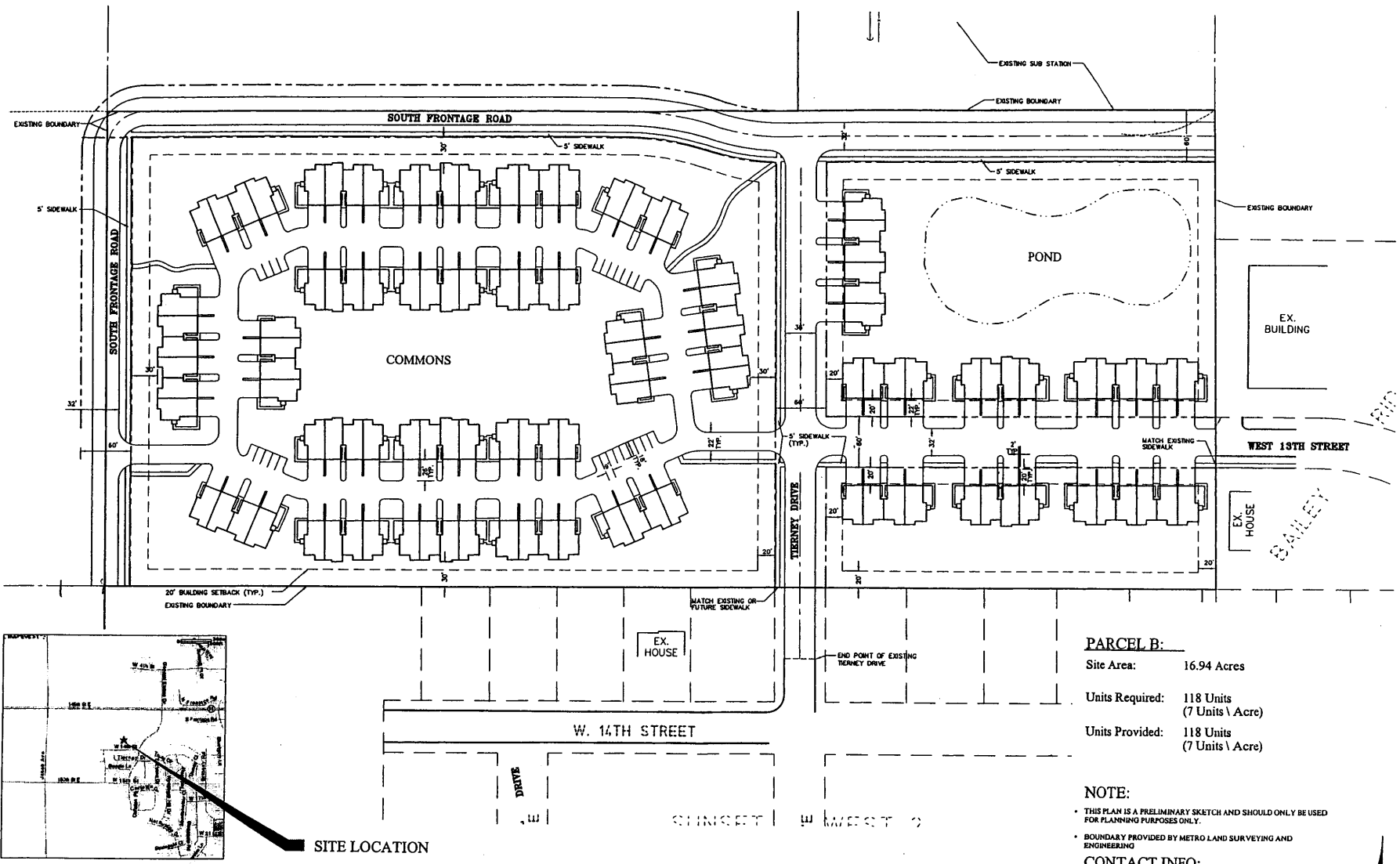
Sincerely,

CITY OF HASTINGS



John Hinzman, AICP
Planning Director

Cc: Steve Harvey, RLK Kuusisto

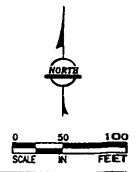


SITE LOCATION

PARCEL B:
 Site Area: 16.94 Acres
 Units Required: 118 Units
 (7 Units \ Acre)
 Units Provided: 118 Units
 (7 Units \ Acre)

NOTE:
 • THIS PLAN IS A PRELIMINARY SKETCH AND SHOULD ONLY BE USED FOR PLANNING PURPOSES ONLY.
 • BOUNDARY PROVIDED BY METRO LAND SURVEYING AND ENGINEERING

CONTACT INFO:
 • DEVELOPER:
 CAPITAL REAL ESTATE, INC
 JAMES VITT
 612-312-2500
 • ENGINEERING AND PLANNING:
 RLK KLUUSISTO, LTD
 STEVE HARVEY
 952-933-0972



CAPITAL REAL ESTATE, INC

RLK
 KLUUSISTO LTD
 1100 Hennepin Ave., Suite 1100
 Minneapolis, MN 55403
 Phone: (612) 822-0972
 Fax: (612) 822-1123
 www.rlkkl.com

Hastings Residential - Attached Townhomes

Hastings, Minnesota

JANUARY 30, 2003

Nº 13386

Hastings Star Gazette Affidavit of Publication

State of Minnesota }
County of Dakota } ss

Valerie Buske

being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Hastings Star Gazette, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Adopt Ord. extend corp limits

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks: it was first published on Thursday, the 20th day of March 20 03, and was thereafter printed and published on every Thursday to and including Thursday, the 20th day of March 20 03; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

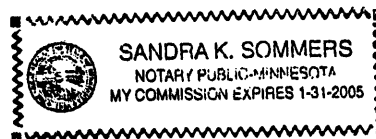
By Valerie Buske
Publisher

Subscribed and sworn to before me on this
20th day of March, 2003

Sandra K. Sommers
Notary Public

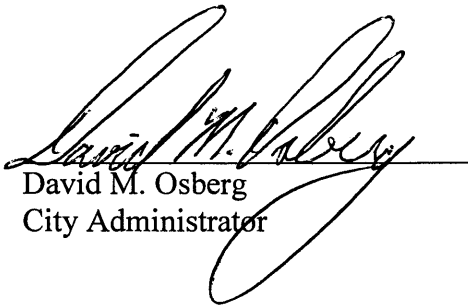
Notice is hereby given that the Hastings City Council will conduct a public hearing on Monday April 21, 2003 at 7:00 PM in the Council Chambers at the Hastings City Hall, 101 East 4th Street; to consider the Adoption of an Ordinance of the City of Hastings, Extending its Corporate Limits to include Certain Land Abutting the City, Which is Owned by Hastings Land LLC, A Delaware Company; Capital Property Investments LLC, its Manager; James F. Vitt; Lonnie R. Pearce and Edward J. Dulak III. All persons interested in commenting on the proposed Ordinance will be given an opportunity to do so at the Public Hearing. A copy of the Ordinance is available for review at the Hastings City Hall during normal business hours.
/s/ David M. Osberg
City Administrator
3/20

City of Hastings City Council Public Hearing Notice



CERTIFICATION OF MAILING

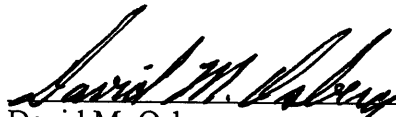
I, David M. Osberg, City Administrator for the City of Hastings certify that on March 18, 2003 a mailing was sent to the attached list of people regarding the adoption of An Ordinance of the City of Hastings, Extending Its Corporate Limits to Include Certain Land Abutting the City, Which is Owned by Hastings Land LLC, A Delaware Company; Capital Property Investments LLC, Its Manager; James F. Vitt; Lonnie R. Pierce and Edward J. Dulak III.



David M. Osberg
City Administrator

**City of Hastings
City Council
Public Hearing Notice**

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David M. Osberg
City Administrator

Publication Date: March 20, 2003

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 16, 2003
Re: Resolution Adopting Planning, Public Works, and Construction Permit Fees, Escrow Requirements, and Billing Rates

Council is requested to adopt the enclosed resolution increasing existing permit and application fees, and establishing new fees and escrow requirements as called for in the Chapter 4, 10, 11, and 12 ordinance revisions. The enclosed resolution also establishes 2003 billing rates for City staff equal to twice the staff member's hourly rate rounded up to the nearest \$5 increment. The proposed billing rates are intended to cover the staff member's time plus overhead costs such as insurance, pension, Social Security, Medicare and Medicaid costs, and vacation benefits; support personnel including office staff, Finance and Administration, and overhead such as office space, vehicles, computers and office supplies.



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION SETTING CONSTRUCTION PERMIT FEES AND PLANNING DEPARTMENT
FEES, AND ESTABLISHING ESCROW REQUIREMENTS
FOR DEVELOPMENT REVIEW AND INSPECTION**

WHEREAS, recent changes in City ordinances have established a process for setting building and development fees and escrow accounts by resolution for the City of Hastings Planning Department, Public Works Division, and Code Enforcement and Inspections Division, and

WHEREAS, the City of Hastings has completed a review of the charges of providing building and development review and inspections services, and

WHEREAS, the City of Hastings has determined that it is necessary to establish new building and development fees, increase existing fees, and establish escrow accounts to fund development review and inspection services

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

That the following building and development fees and escrow requirements are hereby in effect:

1. Construction Permits:

| | |
|--|--|
| Grading Plan Review | \$125 – With approved development grading plan \$250 – For infill lot on plat without an asbuilt grading plan |
| Top of Block Survey | \$ 75 |
| Final Grade Survey | \$125 |
| Erosion Control Inspection | \$250 |
| Installation of Water Meter Radio Read Unit | \$25 |
| Inspection of Water Service Lines 4 inches in diameter or greater | \$200 |
| Bacteriological Testing of Water Service Lines 4 inches in diameter or greater | \$150 |

2. Site Plans:

| | |
|----------------------------------|--|
| Site Plan Review Application Fee | \$500 |
| Site Plan Review Escrow | 0-5,000 s.f. = \$2,000 5,000-10,000 s.f. = \$3,000 10,000-50,000 s.f. = \$3,750 50,000 s.f. + = \$4,500 |

3. Platting:

| | |
|---|---|
| Preliminary Plat Review Application Fee | \$500 |
| Preliminary Plat Review Escrow | Under 10 Acres = \$3,500 Over 10 Acres = \$6,500 |
| Final Plat Review Application Fee | \$600 |
| Street & Utility Improvement Plan Review Escrow | Under 10 Acres = \$2,500 Over 10 Acres = \$5,000 |

4. Other Planning Fees:

| | |
|--|---|
| Annexation | \$500.00 + Legal Expenses |
| Administrative Lot Split | \$50.00 |
| Comprehensive Plan Amendment | \$500.00 |
| Environmental Assessment Worksheet (EAW) | \$500.00 + \$1000 escrow |
| Garden Center | \$50.00 |
| House Move | \$500.00 |
| Lot Line Rearrangement | \$50.00 |
| Minor Subdivision | \$500.00 |
| Rezoning | \$500.00 |
| Roof Sign Approval | \$100.00 |
| Signs | Based on Estimated Value: - \$1-\$500 = \$30 - \$500-\$1,000 = \$50 - \$1000-\$2500 = \$75 Over \$2,500 = \$100 |
| Special Use Permit | \$500.00 |
| Variance | \$250.00 |
| Vacation of ROW/Easement | \$400.00 |
| Commencing construction or operations prior to securing a permit will result in a doubling of the application fee. | |

5. Staff Billing Rates:

| | |
|----------------------|------------|
| Planning Director | \$65.00/hr |
| Planner/GIS | \$50.00/hr |
| Public Works Dir. | \$80.00/hr |
| City Engineer | \$75.00/hr |
| Assistant City Engr. | \$50.00/hr |
| Engr. Technician | \$50.00/hr |

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 21st
DAY OF APRIL, 2003.**

Ayes:

Nays:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee, City Clerk

(Seal)

City of Hastings Fee Schedule 2003

BUILDING PERMITS

The following valuation table is to be used for all general construction when no specific fee is provided. Permit fees are reviewed and adopted by resolution by the City of Hastings. Permit fee valuation shall be determined by the "Cost per square foot valuation data" published periodically by the Department of Administration State of Minnesota or actual total cost documentation provided by the permit applicant showing all costs for material and labor and approved by the Building Department.

| <u>VALUATION</u> | <u>FEE</u> | <u>SURCHARGE</u> |
|--------------------------------|--|------------------|
| \$1.00 TO \$500 | \$23.50 | |
| \$501.00 TO \$2,000.00 | \$23.50 for the first \$500.00 plus \$3.05 for each add'l \$100.00, or fraction thereof, to and including \$2,000.00 | |
| \$2,001.00 to \$25,000.00 | \$69.25 for the first \$2,000.00 plus \$14.00 for each add'l \$1,000.00, or fraction thereof, to and including \$25,000.00 | |
| \$25,001.00 to \$50,000.00 | \$391.25 for the first \$25,000.00 plus \$10.10 for each add'l \$1,000.00, or fraction thereof, to and including \$50,000.00 | |
| \$50,001.00 to \$100,000.00 | \$643.75 for the first \$50,000.00 plus \$7.00 for each add'l \$1,000.00, or fraction thereof, to and including \$100,000.00 | |
| \$100,001.00 to \$500,000.00 | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00 | |
| \$500,001.00 to \$1,000,000.00 | \$3,233.75 for the first \$500,000.00 plus \$4.75 for each add'l \$1,000.00, or fraction thereof, to and including \$1,000,000.00 | |
| \$1,000,001.00 and up | \$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each add'l \$1,000.00, or fraction thereof | |
| <u>PLAN REVIEW FEE</u> | 65% of the building permit fee determined by valuation | |

Exception: The Plan Review Fee is waived on single-family residential: a) swimming pools b) un-enclosed decks c) non-structural remodel d) retaining walls e) detached accessory structures up to 1,000 sq. ft. floor area

Building Permits

| <u>Permit Type</u> | <u>Fee</u> | <u>Surcharge</u> |
|--|--|---|
| <u>Special Inspections</u> | | |
| Inspections when no permit is issued or extra inspections | \$47.00/Hr | 0 |
| Inspections outside of normal business hours when approved by Building Official | \$47.00/Hr Min. 2 Hrs | 0 |
| <u>Mobile Home Installation (Park Only)</u> (Gas Piping not included) | \$100.00 | .50 |
| <u>Above Ground Swimming Pools, Spas</u> | \$50.00 | .50 |
| <u>Inground Swimming Pools</u> | \$150.00 | .50 |
| <u>Decks</u> | \$75.00 | .50 |
| <u>Driveway apron/curb cuts</u> | \$50.00 | 0 |
| <u>Retaining walls</u> (over 4 Ft. high) | \$25.00 | .50 |
| <u>Window replacement</u> (total replacement of window) (sash replacement only exempt) | \$50.00 | .50 |
| <u>Reroofing</u> | | |
| Residential (new tear off and repairs) | \$50.00 | .50 |
| Commercial | \$100.00 base fee or 1.25% of valuation (whichever is greater) | .50 .0005 |
| <u>Residing</u> | | |
| Residential (reside or repairs) | \$50.00 | .50 |
| Commercial | \$100.00 base fee or 1.25% x valuation (whichever is greater) | .50 .0005 |
| <u>Plumbing</u> | | |
| Single Family Residential | | |
| Base Fee | \$75.00 + | .50 |
| Each Fixture | \$3.00 | |
| Commercial | 100.00 base fee or 1.25% x valuation (whichever is greater) | .50 or .0005 x fee if fee is more than \$1,000 |
| Installation or Replacement of Single Fixture (Lawn sprinkler, water heater, water softener, etc.) | \$15.00 | .50 |

| <u>Permit</u> | <u>Fee</u> | <u>Surcharge</u> |
|---|---|--|
| <u>Mechanical</u> | | |
| <u>Single Family Residential:</u> | | |
| New or Replacement Furnace | \$75.00 | .50 |
| Central Cooling or Ductwork | \$25.00 | .50 |
| Mechanical ventilation system (air to air) | \$25.00 | .50 |
| Gas Piping & Air Test Only | \$25.00 | .50 |
| Gas Fireplace or Gas Stove | \$50.00 | .50 |
| <u>Commercial</u> | \$100.00 base fee or 1.25% x valuation (whichever is greater) | .50 or .0005 x fee if fee is over \$1,000 |
| <u>Zoning Permits</u> | | |
| <u>Fences</u> | \$25.00 | 0 |
| <u>Shed</u> (Floor area does not exceed 120 sq. Ft.) | \$25.00 | 0 |
| <u>City Utilities</u> | | |
| <u>Sewer connection permit fee</u> | \$25.00 | .50 |
| <u>Water Connection permit fee</u> | \$25.00 | .50 |
| <u>Simultaneous Sewer and Water Connection permit fee</u> | \$50.00 | .50 |
| <u>On Site Septic Systems:</u> (Includes site review) | | |
| Single Family Residential or Commercial | \$100.00 | .50 |
| Commercial 750 GPD to 2,000 GPD or Reconstruction of Existing Family System (With approval from City Council) | (+ County as built fee) | |
| <u>Moving of Buildings</u> | \$50.00 (+ bond & inspection fee) | .50 |
| <u>Building Demolition</u> | | |
| Accessory Structures | \$25.00 | .50 |
| Single Family Residential | \$50.00 | .50 |
| Commercial | \$100.00 | .50 |
| <u>Fire Sprinkler</u> | \$100.00 base fee or 1.25 % x Valuation. (whichever is greater) | .50 Or .0005 if fee is over 1,000. |
| <u>Residential & Commercial fire alarm systems</u> | \$25.00 (per building) | .50 |
| MCES-SAC | Per Met Council | |
| City SAC | Per Council Resolution | |
| City WAC | Per Council Resolution | |
| Sewer Connection Fee | Per Council Resolution | |

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 16, 2003
Re: Resolution Adopting the 2003 City of Hastings Public Works Design Manual and the 2003 City of Hastings Standard Specifications for Street and Utility Improvements

Council is requested to adopt the enclosed resolution adopting the new Public Works Design Manual and this year's updated version of the Engineering Department's standard specifications. The design manual is a compilation of ordinance requirements and previously unwritten past practices and design requirements. The design manual is intended to be distributed to consulting engineers working on preliminary plats, privately constructed public street and utility improvements, and site plans. The purpose of the design manual is to provide some uniformity on plan submittals and to provide a guide for design of plats, improvements and site plans.

The standard specifications are a handout provided to contractors and consulting engineers working on street and utility improvements that reflect the City's current construction requirements and standards. The standard specifications are a generic version of the specifications that are prepared for the City's annual street and utility improvement program.

The recent ordinance changes now reference the design manual, and the standard specifications have been reference for quite some time. Council is request to officially adopt both the design manual and the standard specifications to formally approve and sanction their use. As this is the first year Council has been requested to approve these documents, I have not included a summary of major updates or revisions. However, as these documents are expected to updated annual, I propose to annually request approval of the new versions and update the Council on any major changes made.

Council Action Requested

Council is requested to approve the enclosed resolution adopting the 2003 City of Hastings Public Works Design Manual and the 2003 City of Hastings Standard Specifications for Street and Utility Improvements.



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION ADOPTING THE 2003 CITY OF HASTINGS PUBLIC WORKS DESIGN
MANUAL AND THE 2003 CITY OF HASTINGS STANDARD SPECIFICATIONS FOR STREET
AND UTILITY IMPROVEMENTS**

WHEREAS, the Hastings Public Works Department has prepared a design manual listing design and plan submittal standards for preliminary plats, grading, street and utility improvement plans, and site plans, and

WHEREAS, the Hastings Engineering Department has prepared an updated 2003 version of the City of Hastings Standard Specifications for Street and Utility Improvements.

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

That the above referenced 2003 City of Hastings Public Works Design Manual and the 2003 City of Hastings Standard Specifications for Street and Utility Improvements are hereby adopted.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 21st
DAY OF APRIL, 2003.**

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, City Clerk

(Seal)

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: April 16, 2003
Re: 31st St. Petition for Street Reconstruction

Enclosed is a petition received from 31st St. residents requesting the reconstruction of 31st street this year. The road is in bad condition and is on the list of streets proposed for construction in 2004, however, the road has been in poor condition for some time and the petitioning residents do not want to wait until next year.

The Engineering Department already has a very busy construction season this year, with the following ongoing projects:

- Completion of General Sieben Dr. reconstruction, widening, and traffic signal project adjacent to Wal-Mart and Cub Foods.
- Construction of the \$2.5 million General Sieben Dr. extension south from 15th St. to connect to CSAH 46.
- Proposed construction of 31st St., 36th St., South Oaks and Riverwood improvements estimated at \$4 million.
- Construction of the Vermillion River trail underpass beneath Hwy 61.
- The 10th St. and Hwy 61 intersection improvement.

In order to advance the 31st St. project into the 2003 construction year, a consulting engineering firm would have to be hired to handle the complete project, including not only design and construction management, but also project management to prepare the feasibility study, conduct the neighborhood meeting and the public hearing, answer residents questions and complaints during the construction process, and prepare the assessments and conduct the assessment hearings.

STAFF RECOMMENDATION

Staff is recommending constructing the 31st St. improvements next year.



CITY OF HASTINGS

We the residents of 31st Street petition to have 31st Street curbed, guttered and resurfaced this summer, 2003. The street is used frequently by 18 wheelers and is so bad that its deleterious on our vehicles. We understand that reconstruction of 31st street will increase our taxes.

| Name | Address | Phone |
|-------------------------------------|---|---|
| 1. Debra Petus | 3125 Cory Ln #206 | 651-437-0045 |
| 2. Ken Chawie/ Joekie Norton | 3125 Cory Ln Bed Room #208 Forces Street | 651-437-9346 |
| 3. Caroyl A. Hummel | 3125 Cory Lane #202 | 651-438-9142 |
| 4. Betty Kuntz | 3125 Cory Lane #102 | |
| 5. | Hastings Bus Co | |
| 6. | Arrow Building Center | |
| 7. Lynn Kelly | 3100 Malcolm | 437-2280 |
| 8. Glenn Pearson | 3125 Cory Lane | |
| 9. Mary Caturia | #203 | |
| 10. Marion Peine | 3130 Cory Ln. #101 | 438-5906 |
| | 3130 Cory Lane #104 | 437-4531 |
| 11. Rose Tucker | 3130 Cory Lane #103 | 437-4795 |
| 12. Jeanette Carl | 3130 Cory Lane #105 | 437-9761 |
| 13. Anne Lippert | 3125 Cory Lane #103 | 437-6073 |
| 14. | 440 East 31st | |
| 15. | 300E, 31st St, | 437-2086 |
| 16. Les Olson | 460 E st 31 st | 437-4642 |
| 17. Anna Zhivkovich | 3125 Cory Lane #207 | 437-2941 |

We the residents of 31st Street petition to have 31st Street curbed, guttered and resurfaced this summer, 2003. The street is used frequently by 18 wheelers and is so bad that its deleterious on our vehicles. We understand that reconstruction of 31st street will increase our taxes.

| Name | Address | Phone |
|----------------------|---------------------|----------|
| 18. Katy Schmitt | 3125 Cory Ln. | 437-4809 |
| 19. Frank J. Stewart | 3125 Cory Ln. | |
| 20. Kathryn Biegel | 200 31st E | |
| 21. Sara Mae Ross | 3125 Cory Lane | 437-7713 |
| 22. Heather Hetzel | 3125 Cory Lane #201 | * |
| 23. Bob | 3050 HWY 316 South | 437 7616 |
| 24. | | |
| 25. | | |
| 26. | | |
| 27. | | |
| 28. | | |
| 29. | | |
| 30. | | |
| 31. | | |
| 32. | | |
| 33. | | |
| 34. | | |

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: 2nd Reading -- Preliminary Plat and Final Plat #2003-17 – South Pines 5 – Replat of existing Townhome area northwest of Tuttle Drive and TH 316 (Ed McMenemy).

Please see the Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: April 21, 2003
Subject: Development Agreement – South Pines 5

REQUEST

The City Council is asked to approve the attached Development Agreement between the City and Edward McMenemy, Jr. for the Final Plat of South Pines 5 consisting of 56 twin home units on 58 lots located northwest of Tuttle Drive and Highway 316

The Development Agreement is submitted in conjunction with the Final Plat. As a condition of approval, the developer is required to enter into a development agreement with the city to memorialize conditions of the plat.

ATTACHMENTS

- Development Agreement
- Location Map
- Final Plat

***DEVELOPMENT AGREEMENT FOR
SOUTH PINES 5***

THIS AGREEMENT is made this ____ day of _____, 2003, by and between the City of Hastings, a Minnesota Municipal Corporation (City) and McMenomy & Hertogs a Minnesota Corporation, Samuel H. Hertogs and Shirley J. Hertogs, husband and wife, Paul W. Lawrence and Delores Lawrence, husband and wife and William J. Crist and Mary A. Crist, husband and wife (“Developer”).

WHEREAS, Developer proposes to undertake the development and construction of a residential development on property proposed to be platted as ***South Pines 5***, Dakota County, Minnesota, (hereafter referred to as “Subject Property”); and

WHEREAS, public hearings have been held providing the opportunity for input by the neighbors and other interested persons; and

WHEREAS, the Hastings City Council has approved Developer’s proposed plat of the Subject Property, subject to Developer entering into this Development Agreement and otherwise complying with all conditions of city council approval; and

WHEREAS, Developer, is signing this Development Agreement fully expecting to bind its interest in the Subject Property to the extent set forth herein.

NOW THEREFORE, it is hereby agreed between the parties as follows:

1. ***Application of Development Agreement.*** This Development Agreement shall apply to the following property proposed to be platted in the City of Hastings, Dakota County, Minnesota, legally described as:

***South Pines 5, according to the plat thereof,
to be filed in the Dakota County Recorder's Office.***

This property hereafter shall be referred to as "Subject Property". All references in this Development Agreement to a lot, block or outlot, shall refer to lot, block or outlot contained in the plat of South Pines 5.

2. ***Parties Authority to Sign.*** Developer warrants to the City they have full authority to enter into this Development Agreement and perform the conditions herein contained. Developer further warrants that this Development Agreement will be recorded against the Subject Property before any of the Subject Property is transferred or encumbered in any way.
3. ***Density.*** The Subject Property has been approved for 56 twin home lots and two common lots. All development of the Subject Property shall be consistent with the conditions of preliminary plat and final plat approval imposed by the Hastings City Council. No development shall occur on any outlots until the outlots have been replatted.
4. ***Miscellaneous Temporary Street Connections.*** Developer shall construct, or cause to be constructed, the following temporary street connection:

From the western extent of Sandpiper Circle to Tuttle Drive.

All temporary streets must be approved by the City's Public Works Department and

shall be constructed with a gravel/aggregate base at a minimum. Furthermore, at the time the City signs the final plat, Developer must provide the City with an easement which grants to the public the right to use this temporary street for public use. Developer must record these easements with the Dakota County Recorder's Office immediately after the plat is recorded. The City will maintain this temporary street only if they have been constructed to City standards. If this temporary street is not constructed to City standards, Developer must provide City with written documentation that satisfies the City this temporary street will be properly maintained by Developer. City reserves the right to withhold any building permits until such written documentation has been provided.

5. **Park Dedication Fees.** The park dedication fees for South Pines 5 were satisfied with the recording of South Pines 4.
6. **Trail and Sidewalk Easements.** When the plat is signed by the City, Developer shall convey to the City, at no cost, the following easements:
 - A. A 20 foot trail easement along that part of the Subject Property parallel with Highway 316 from 37th Street South to and Tuttle Drive.
 - B. A 5 foot sidewalk easement on the north side of Tuttle Drive.
 - C. A 10 foot trail easement on the south side of Tuttle Drive.

These easements shall be in a form acceptable to the City. Developer shall either petition the City to construct these trails and sidewalk and related utilities as a Chapter 429 project or Developer shall privately construct these trails and sidewalk and the related utilities. If Developer privately constructs these trails, sidewalk and related utilities, Developer shall comply with all the City's requirements regarding

letters of credit, performance and payment bonds, etc. Developer agrees the construction of these trails, sidewalks and related utilities shall be completed by July 1, 2003. Thereafter, no building permits for construction in the Subject Property shall be issued until these trails, sidewalks and related utilities have been constructed and accepted by the City.

7. **Maintenance of Common Open Areas, Ponding Basins and Cul-de-Sac Islands.**

Prior to the City signing the final plat of the Subject Property, Developer shall provide to the City, documentation showing the creation of a homeowner association(s) that will be responsible for the ongoing maintenance of all common open spaces, cul-de-sac islands and those ponding basins which are located on platted lots in the Subject Property. Developer may elect to have more than one homeowner association created to maintain these areas. Developer must record the proper documentation with the Dakota County Recorder's Office so as to inform all future property owners of any lot in the Subject Property that the City will not be responsible to maintain any common open space, cul-de-sac islands or ponding basins on platted lots in the Subject Property. This Development Agreement shall also serve as notice to all future owners that the City will not be responsible to maintain any of those areas. All common open areas, cul-de-sac islands and ponding basins on platted lots shall be maintained to City standards.

8. **Storm Water Plan.** Developer understands the City is having Developer's storm water plan reviewed by an outside consultant. Developer agrees to reimburse the City for the consultant's expenses in reviewing Developer's storm water plans. Developer agrees to implement any recommendations of City's consultant after it

reviews Developer's final storm water plan. All costs of complying with City's consultant's recommendations shall be paid by Developer.

9. **MNDOT Approval.** Developer must obtain MNDOT approval of the before and after hydraulic computations for both the 10 year and 100 year storm events showing drainage paths, run-off coefficients, ponding calculations and locations. All costs associated with complying with MNDOT's requirements or recommendations shall be paid by Developer. Developer understands the final plat is subject to MNDOT approval. Developer agrees to incorporate all of MNDOT's comments into the final plat.
10. **Environmental Issues.** Developer agrees to comply with all requirements of Dakota County pertaining to the abandoned irrigation wells and other related environmental concerns on the Subject Property. Developer agrees that the City will not issue any grading permits for the Subject Property until all of the Dakota County concerns have been addressed.
11. **Access to Highway 316.** It is agreed that the only direct access to Highway 316 shall be at Tuttle Drive. There shall be no other direct access from the Subject Property to Highway 316.
12. **Schedule of Lot Sizes.** Prior to the City signing the final plat, Developer shall submit to the City a schedule of square foot sizes for all platted lots in the Subject Property.
13. **Future Phase 2.** Developer agrees and hereby acknowledge that all conditions of preliminary plat approval dated August 20, 2001 shall remain in effect with the modification that after Phase 2 is platted, Phase 3 can commence without the

annexation of property directly west of the development. Developer specifically acknowledges that Phase 2 as proposed in the preliminary plat shall not be platted until the requirements for Phase 2, as listed in the conditions of preliminary plat approval dated August 20, 2001, have been satisfied in full. Developer further acknowledges that Phase 3 as proposed in the preliminary plat shall not be platted until Phase 2 has been platted, unless the city council approves a revised phasing plan.

14. **Boulevard Landscaping Plans.** Prior to the City signing the final plat, Developer must submit and receive approval for a boulevard landscaping plan for the Subject Property. Developer further acknowledges that no residential lot may be occupied until all trees required by the boulevard landscaping plan have been planted. Developer may satisfy this requirement if it provides the City with an escrow to ensure the planting of any remaining boulevard trees. The amount of the escrow will be determined by the City.

15. **Streets.**

A. Grading. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the Public Works Division. All street grading and gravel base construction will be in accordance with specifications on file in the Public Works Division. Grading must be completed prior to the installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

B. Surfacing. Following Public Works Division approval of street grading and

after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the Public Works Division, approved by the Council, and on file at the City.

- C. Boulevard Sod. Developer shall install a 3 foot strip of sod directly behind the curb as part of the street construction process. This boulevard sod strip shall be planted prior to the development being approved for building permits. If weather or sod supply does not allow the sod to be installed before building permits are requested, then the developer shall provide the City a letter of credit for the sod installation and shall install the sod as soon as feasible.

- 16. **Site Grading.** The entire Subject Property, i.e. all platted lots and all outlots, shall be graded at the same time. All site grading on the Subject Property shall be completed according to the grading plan approved by the City. All disturbed areas on the Subject Property must be stabilized with a rooting vegetative cover to eliminate any erosion problems. All disturbed areas on the Subject Property shall also be maintained so as to comply with all City of Hastings property maintenance ordinances.

As-Built Grading Plan - Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded elevations at all lot corners, critical elevations in drainage ways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin

emergency overflow swales.

17. **Letter of Credit and Inspection Escrows.**

- A. Before Developer begins any grading on the Subject Property, Developer shall post with the City a letter of credit or escrow in the amount of 125% of the grading cost.
- B. Before the Developer begins any street and utility construction, Developer shall post with the City a letter of credit or cash escrow in the amount of 125% of the street and utility improvement costs. Additionally, before any grading or street and utility construction commences, developer shall also post the cash escrow in an amount determined by the City's Public Works Director to reimburse the City for inspection fees that incur for the grading, street and utility construction inspections. Before Developer begins any grading or any street or utility construction, Developer shall provide City with proof of liability and insurance in an amount of at least one million dollars. City shall also be named as an additional insured on all liability insurance policies used to satisfy the requirements of this paragraph.
- C. All letters of credit required by this Agreement shall be in a form acceptable to the City and issued by a company licensed to do business in Minnesota.
- D. Maintenance Bond - Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from Developer's contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.

- E. Privately Constructed Improvements - In the event the Developer elects to pay one hundred percent (100%) of all costs incurred for installation of the improvements outside of the normal assessment procedure, Developer may do so provided Developer complies with the following requirements:
 - 1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
 - 2. The Developer must retain a registered civil engineer to design and inspect the improvements and to certify that the improvements were constructed in accordance with the approved plans.
 - 3. Complete the required improvements within a two-year period.
 - 4. Provide the City with reproducible as-built drawings of the improvements within two months of completion of the improvements.

18. **Specifications - Inspections.**

- A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. The required improvement plan review fee as established by City Council resolution shall be paid at this time.
- B. Inspection of Public Improvements - Construction of all subdivision street

and utility improvements and other required subdivision improvements shall be inspected by a City designated inspector for compliance with City standards, and the approved improvement plans and specifications. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administration costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

- C. As-Built Improvement Plan - Upon completion of the required public improvements, the City inspector shall prepare a record as-built drawing of the constructed improvements.

19. **Sidewalks and Driveways.**

- A. Grading of boulevards in this development shall be accomplished so as to accommodate construction of sidewalks and trails thereon regardless of whether said boulevard is part of the Sidewalk Plan on file at City Hall. Any sidewalk located in the plat shall be deeded to the City. Any sidewalks constructed in this subdivision shall be in accordance with specifications established by the Public Works Division. Sidewalks shall be a minimum of five feet in width, and located one foot off the property line in the street right-

of-way.

- B. Each and every driveway shall be constructed in accordance with specifications established by the Public Works Division. If a sidewalk is to be constructed, the concrete driveway shall extend through to the property line side of the walk. The remainder of the driveway shall be concrete or asphalt from the end of the concrete apron to the garage. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway.
- C. Parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed 24 feet in width for residential uses. Commons Driveways are not allowed. All driveways serving multiple unit buildings must have a minimum landscaped separation between driveways of three feet, extending from the unit to at least 8 feet back from the curb.
- D. All single-family homes, duplexes, 4-plexes, townhomes, and townhouse quadraminiums developed as part of plats approved after January 1, 1994 shall be required to have mail delivery serviced by United States Postal Service approved Neighborhood Delivery and Collection Box units or similar City approved grouped boxes. Individual mailboxes will be permitted only upon receiving handicap exemption status from the Hastings area office of the United States Postal Service, with appeal rights to the St. Paul district office of the United States Postal Service. Mailbox unit foundations and

concrete pads shall be recommended plans and specifications prepared by the Public Works Division and on file at City Hall. The Public Works Director in consultation with the U.S. Post Office will determine the location and number of mailbox units.

20. **Sales Models.** The City will permit the construction of model homes subject to the following conditions:

Building permits for these units can be taken out only after water service is provided to these lots and a temporary access road is in place. The issuance of the building permits is subject to the approval of the Building Official and Fire Marshall. Certificate of surveys and full building plans are required as part of these building permits.

21. **Occupancy of Sales Units (Model Homes).** Sales units must receive a sales certificate of occupancy before they are used as models, subject to the approval of the Building Official and the following conditions:

- A. Hard surfaced roads with curb and gutter shall be installed to the sales units.
- B. Adequate parking for visitors is available on a gravel or hard surface.
- C. Lighting is operable for any evening activities.
- D. The entire dwelling, interior and exterior, is complete, landscaping is underway, and all utilities are complete and accepted by the City.

22. **Electronic Copies of Required Documents.** Before the City will sign the final plat, Developer shall submit to the City, electronic copies of the plat, plan set record drawings and grading plan in an electronic format which is acceptable to the Hastings Engineering Department.

23. **Utilities.** The Developer shall modify the utility plan according to the following items, subject to the approval of the Public Works Director:
- A. The Developer shall have a separate water meter and water line installed for all irrigation systems.
 - B. The sanitary sewer mains shall be sized and constructed at a depth to accommodate future sanitary flows for future growth outside the City.
24. **Property Monuments.** Steel monuments shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the developer's expense and responsibility. All U.S., State, Country, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. The developer shall replace all monuments displaced, damaged or removed during grading operations. The monuments shall be installed after the final grading has been completed. The Developer shall provide required certification of installation to the County. A copy of this certification shall also be sent to the City.
25. **Requirements for a Building Permit.**
- A. No building permits shall be granted on the platted property until such time as a certified copy of the recorded plat has been filed with the City and production of proof that all conditions of plat approval have been met. In a case where the City of Hastings is a party to the platting, a copy of the plat, certified by the City Clerk as true and correct, shall satisfy the requirements of this section.
 - B. No building permits shall be granted on the Subject Property until such time

that the Developer provides the City with a certified survey indicating that the entire site as shown on the preliminary and final plats has been graded pursuant to the approved elevations shown on the preliminary and final plats.

- C. No building permits, except for approved sales models, shall be granted on the Subject Property until the bituminous base course has been constructed, sod behind the curb and gutter installed, and sanitary sewer, water main and storm sewer improvements tested and accepted.

26. **Building Permit Submittal Requirements.** An original certificate of survey from a licensed surveyor is required for all new development, including expansions of existing buildings. The Building Official may for accessory structures or minor additions (decks, porches, attached garages), waive the Certificate of Survey submittal requirements in favor of an approved site plan indicating the location of existing and proposed structures in relation to lot lines.

- E. The Certificate of Survey shall reference and be based on an approved grading plan.

- F. The Certificate of Survey shall include at a minimum the following information:

1. Property boundaries.
2. Existing structures.
3. Proposed structures (including driveways).
4. Existing and proposed lot corner elevations.
5. Proposed drainage flow (arrows).
6. Proposed garage floor elevation.

7. Proposed lowest floor elevation.
 8. Proposed lowest foundation opening.
 9. Proposed top of foundation elevation (front and rear).
 10. Proposed finish grade elevations at building corners.
 11. Street right-of-way (to centerline).
 12. Existing property monuments.
 13. Detailed spot elevations for drainage swales based on the approved grading plan.
 14. Existing and proposed midpoint elevations on side lot lines.
 15. Existing top of curb elevations at the extension of side lot lines and at the midpoint of the lot.
 16. On-site sewage treatment system location and potable well location, if applicable.
- C. Survey benchmarks shall be identified on certificate of survey.
- D. Field hubs shall be placed onsite by a licensed surveyor to show top of foundation elevation and setbacks.
27. **Erosion Control Plan Requirements (May be identified on Certificate of Survey).**
- A. Silt Fence - A silt fence shall be identified on the erosion control plan. The silt fence shall be located along the front yard (3 feet from curb or behind sidewalk), along existing developed yards, and where needed for erosion control as determined by the City's Engineering Department.
 - B. Rock Driveways - A rock driveway shall be identified on the erosion control plan. The rock driveway shall be constructed of CA1/CA2 Course Aggregate

1-2" rock - 6" deep per MPCA Manual.

28. **Occupancy of Dwelling Units.** No permanent occupancy of any dwelling unit in the Subject Property shall occur until the City has accepted all utilities and until the base course of pavement has been installed on the streets.
29. **Shade Tree Requirement.** The builders in the subdivision shall plant “boulevard” trees according to the submitted tree plan and one front yard tree per lot. These trees shall be at least two inches in diameter at the base and the species of the tree should be on the list of approved trees created by the City Forester. An escrow is required for any unplanted trees before a certificate of occupancy is issued for any units without the required trees.
30. **Successors and Assigns.** This agreement shall be binding upon the successors and assigns of the parties hereto and shall run with the land.
31. **Recording of Agreement.** An original executed copy of this Agreement shall be filed with the Dakota County Recorder’s Office, which shall give notice to all subsequent purchasers of the property within the Subject Property of the provisions of this Agreement.
32. **Recording of Final Plat.** The final plat of the Subject Property, as approved by the City, shall be recorded with the Dakota County Recorder’s Office, before any building permit is issued.
33. **Other Conditions.** Nothing in this Development Agreement shall limit or modify in any way the conditions imposed by the Hastings City Council as part of its approval of the preliminary plat and final plat of the Subject Property, which conditions are on file at Hastings City Hall.

34. *Miscellaneous.*

- A. It is agreed that any breach of the terms of this Development Agreement shall be grounds for the denial of any building permit, certificate of occupancy or any other required city approvals with respect to the lot or lots to which the breach directly relates. Developer shall be provided with notice of any breach of the terms of this Development Agreement in accordance with the notice provision hereafter and shall be provided a period of 30 days in which to cure the breach. During this 30 day notice, the City shall be allowed to withhold any required permits, certificates of occupancy or any other City approvals, unless the City is given assurances in an amount and a form deemed appropriate in the sole discretion of the City that the breach will be eliminated.
- B. If any portion of this Development Agreement is held in valid for any reason, that decision shall not affect the validity of the remaining portions of this Development Agreement.
- C. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Development Agreement. All amendments or waivers to this Development Agreement must be in writing, signed by all parties and approved by written resolution of the city council.
- D. All parties to the Development Agreement have participated freely in the negotiations and preparation hereof. Accordingly, this Development Agreement shall not be construed more strictly against any one of the parties as a result hereof.

E. Any notice required by this Development Agreement shall be sent to the parties as follows:

TO THE CITY:

City of Hastings
Attn: City Administrator
101 E. Fourth Street
Hastings, MN 55033

TO THE DEVELOPER:

Dated this _____ day of _____, 2003.

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

By: _____
Michael D. Werner, Mayor

(SEAL)

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

Dated this _____ day of _____, 2003.

***MCMENOMY & HERTOGS, INC.,
A MINNESOTA CORPORATION***

By: _____
It's: _____

Dated this _____ day of _____, 2003.

Samuel H. Hertogs

Shirley J. Hertogs

Paul W. Lawrence

Delores Lawrence

William J. Crist

Mary A. Crist

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this __ day of _____, 2003 by Michael D. Werner and Melanie Mesko Lee the Mayor and Administrative Assistant/City Clerk of the City of Hastings, Hastings, Minnesota.

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this __ day of _____, 2003 by _____ It's _____, of McMenemy & Hertogs, Inc., a Minnesota corporation.

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this __ day of _____,
2003 by Samuel H. Hertogs, and Shirley J. Hertogs, husband and wife.

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this __ day of _____,
2003 by Paul W. Lawrence, and Delores Lawrence, husband and wife.

NOTARY PUBLIC

ACKNOWLEDGMENT

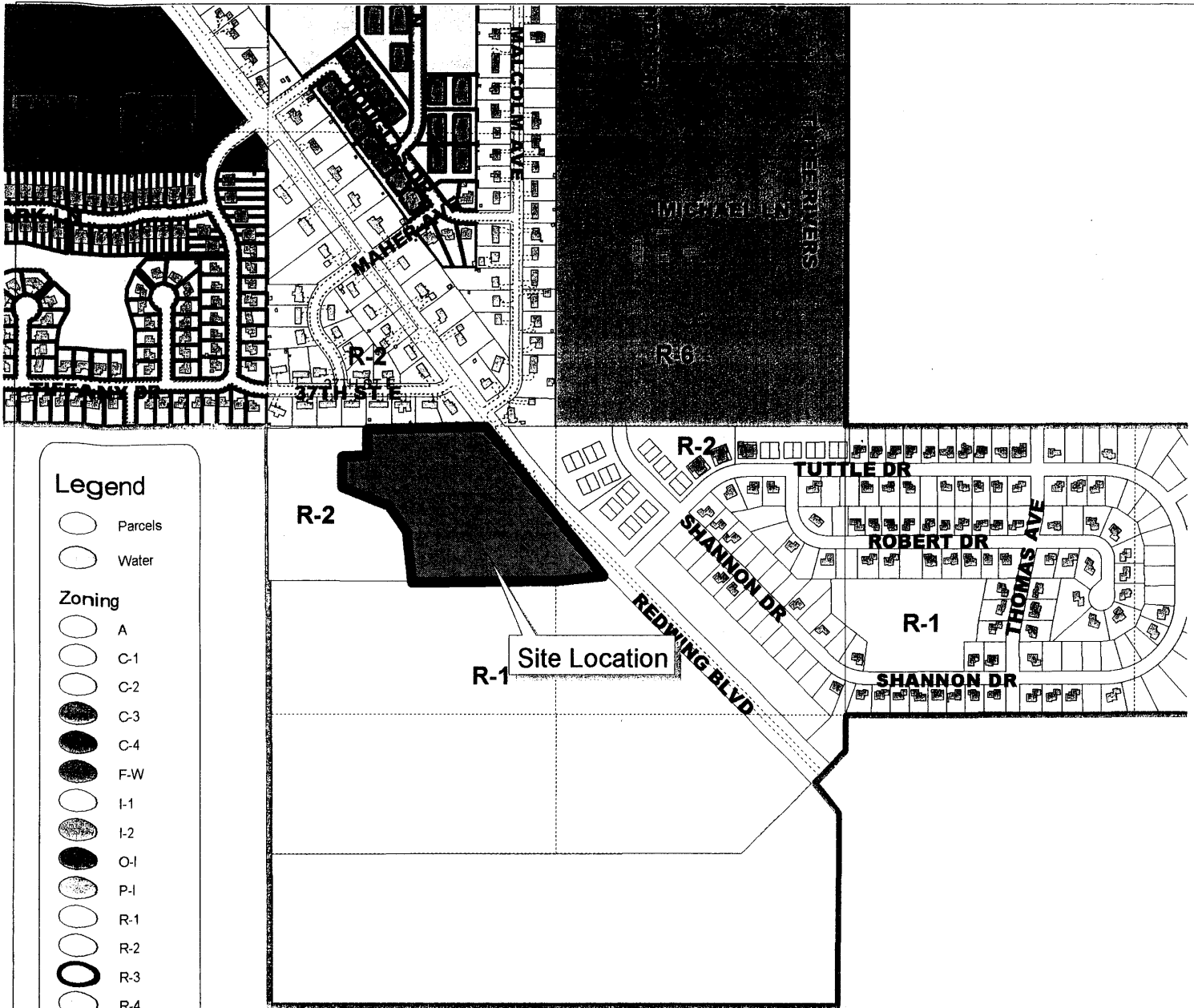
STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this __ day of _____,
2003 by William J. Crist, and Mary A. Crist, husband and wife.

NOTARY PUBLIC

THIS INSTRUMENT DRAFTED BY:
Fluegel & Moynihan P.A.
1303 South Frontage Rd., #5
Hastings, MN 55033
SMM/ham

South Pines 5

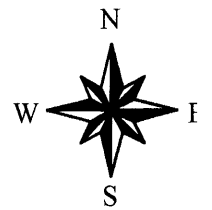
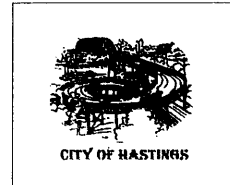


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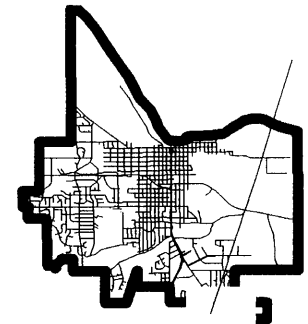
- Parcels
- Water
- Zoning**
- A
- C-1
- C-2
- C-3
- C-4
- F-W
- I-1
- I-2
- O-1
- P-1
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- ROW
- WAT

Legend

- Buildings
- Roads
- Parcels



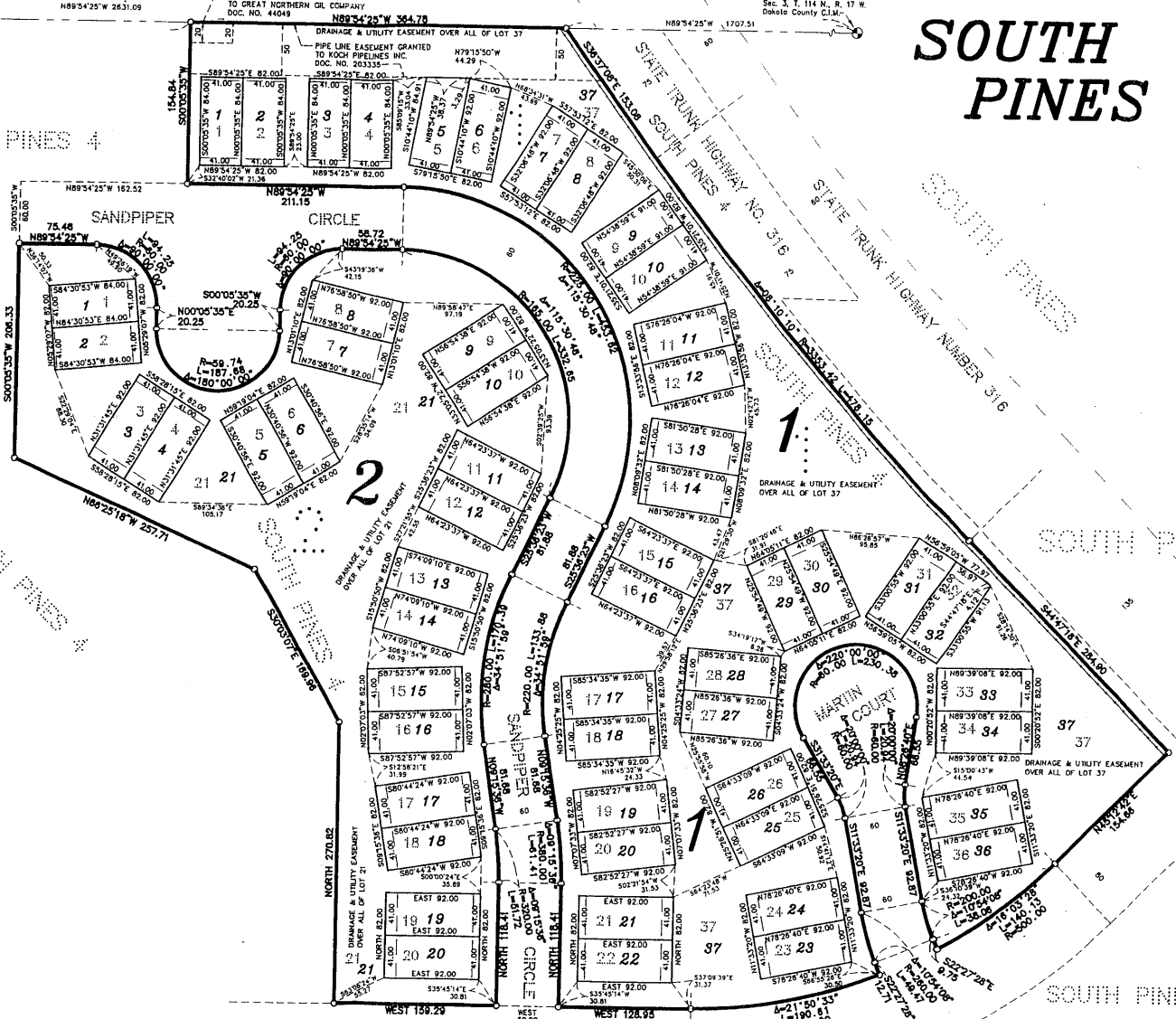
Site Location



Map Date: March 19, 2003

SOUTH PINES 5

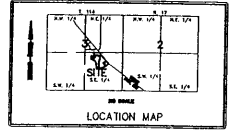
GREEN PLAINS



1/4 Corner of Sec. 3, T. 114 N., R. 17 W. Aluminum Dakota County Monument

NW Corner of the SE 1/4 of Sec. 3, T. 114 N., R. 17 W. 3/8" Iron Pipe

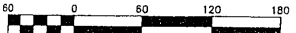
West Line of the SE 1/4 of Sec. 3, T. 114, R. 17



NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES A 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 15473, TO BE SET ACCORDING TO MINNESOTA STATUTES, AND SHALL BE IN PLACE ON OR BEFORE THE _____ DAY OF _____ 20__

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 15473.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- DENOTES RIGHT OF ACCESS DEDICATED TO THE STATE OF MINNESOTA.

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE SE 1/4 OF SEC. 3, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



Scale in Feet

JOHNSON & SCOFFIELD INC.
LAND SURVEYORS
 1303 MAIN ST., 2ND FLOOR, ST. CLOUD, MN 56309 (821) 546-1668
 808 MILLERIE HWY. S.W. ST. CLOUD, MN 56301 (821) 522-3544

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: 2nd Reading – Comprehensive Plan Amendment
Rezoning Preliminary Plat Final Plat #2003-18 – South Pines 6 –
Southwest corner of Michael Ave & TH 316 (Lawrence Builders)

Please see the Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: 2nd Reading – Vacation of Easement #2003-24 – Pleasant Acres 1st Addition (Twin Cities Habitat for Humanity)

Please see the Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: Ali, Abdifatah S – Special Use Permit #2003-23 – Operation of an Auto Service Station in the C-3, Community Regional Commerce District – 1501 Vermillion Street.

REQUEST

Abdifatah S. Ali seeks approval of a special use permit to operate an Auto Service Station at the former Jiffy Gas Station located at 1501 Vermillion Street. The applicant proposes to use the existing site and building for operation of the new facility.

RECOMMENDATION

The Planning Commission recommended unanimous approval of the request at the April 14, 2003 meeting. The Commission discussed existing fuel tank removal, truck ingress and egress, handicap accessibility and the need for adequate separation to the southern abutting property. During the public hearing a few residents spoke with concerns about separation to residential areas, and allowing the existing building to be operated with minimal investment. Please see the attached minutes for further information.

ATTACHMENTS

- Resolution
- Location Map
- Site Plan
- Planning Commission Minutes ~ April 14, 2003
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The 2020 Comprehensive Plan designates the property as C - Commercial.

Zoning Classification

The subject property is zoned C-3, Community Regional Commerce. Automobile Service Stations are identified as a special use in the C-3 District.

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 | 15 th Street | | |
| | Great Clips | C-3 – Comm Reg Comm | C-Commercial |
| East | Single Family Home | R-3 – Med High Dens. | U-I – Low Den |
| South | Single Family Home | C-3 – Comm Reg Comm | C-Commercial |
| West | Vermillion Street | | |
| | Holiday Station | C-3 – Comm Reg Comm | C-Commercial |

Existing Condition

The existing building was constructed and opened as a gas station in 1971. The site was last operated as a Jiffy Gas Station and has been vacant for a number of years.

Proposed Condition

The applicant is not proposing any structural changes to the building or site. Any changes would require Site Plan approval.

SPECIAL USE PERMIT REVIEW

Special Use Permit Provisions

The Zoning Code defines and regulates special uses as follows:

Uses that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, or relation to the neighborhood, would not detract from the public health, safety, and welfare. Special uses may be permitted in a zoning district if specific provision of such special uses is made in this Zoning Ordinance.

Although Site Plan approval is not sought, site modifications are necessary to ensure the proposals do not detract from public health, safety, and welfare of the surrounding area and the City.

Operations

The applicant proposes to operate the site as a gas station. The site contains 3 gas islands (6 gas pumps). Existing underground fuel storage tanks would need to be removed and replaced to meet existing state regulations. The existing 400 square foot building would be used for limited sale of gas and merchandise.

Underground Storage Tanks

Underground fuel storage tanks remain from the former Jiffy operation. The tanks do not meet current requirements and must be removed and replaced.

Access and Circulation

Vehicular access is provided along both Vermillion and 15th Streets. The Vermillion Street access is limited by an existing median to right in/right out access only. The 15th Street entrance is full access and very wide (approximately 75 feet). The following change is recommended:

- 1) **Access to 15th Street shall be reduced to 32 feet and be aligned with the entrance to Great Clips located at 1421 Vermillion Street.** The reduction will result in a more structured traffic flow in and out of the development, and provide further room for stacking at the 15th and Vermillion traffic signal.

Parking

Three parking stalls plus adequate parking for gas pump areas are required as follows:

| Site | Required Spaces | Proposed Spaces |
|------------------------|------------------------|------------------------|
| Gas Station ~ 404 s.f. | 3 (1:200 s.f.) | Not Delineated |

The following changes must be made:

- 1) **Parking stalls must be delineated and striped to meet minimum requirements. Based on a 404 square foot building, 3 spaces are required.**
- 2) **The existing parking lot must be resurfaced to meet minimum surfacing requirements as stipulated in the Zoning Ordinance.** The existing parking lot is concrete curb and bituminous, however the existing bituminous surface is in poor condition. The site will need to be disrupted to replace existing tanks.

Trash and Recycling Enclosure

The existing site does not contain a trash and recycling enclosure. The following is needed:

- 1) **A trash and recycling enclosure must be constructed. The enclosure must be enclosed on all four sides, and be constructed with materials to match the primary building.**

Fencing

The fence between the site and the abutting residential property to the south does not adequately screen activities. The existing home is approximately 10 feet from the parking lot. The following change is needed:

- 1) **Fencing shall be installed along the south side of the property to adequately screen activities from the abutting southern property at 1511 Vermillion Street.**

Landscape Plan

Some landscaping exists on site. The existing areas should be cleaned up and the following changes made:

- 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 2.0 caliper inches at planting.**
- 2) **Shrub plantings are needed to shield headlight views to the south of the site. Shrubs must be planted at a density great enough to provide for a continuous plant mass.**

Lighting

The parking lot is presently lit. Existing light poles exist along the perimeter. Illumination of the exiting lighting is uncertain. It appears the existing pole at the southwest corner of the property is directed at the abutting residence. Based on the close proximity of lighting to residences, the following is recommended:

- 1) **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

A non-conforming pylon sign (exceeding 20 feet in height) presently exists. The sign exceeds the maximum height requirement of 6 feet. Since operation of the former business has exceeded six months, it is no longer termed a lawfully existing, non-conforming use, and **the sign must be removed**. The sign code allows for monument signs not exceeding 6 feet in height and 50 square feet for each street frontage.

Minnesota DOT Review

Plans have been submitted to the Minnesota Department of Transportation for their review and approval. MNDot has submitted a letter stating it has no comments.

RECOMMENDATION

Approval of the special use permit is recommended subject to the following conditions:

- 1) Removal and replacement of the existing underground fuel storage tanks in conformance with state regulations.
- 2) Access to 15th Street shall be reduced to 32 feet and be aligned with the entrance to Great Clips located at 1421 Vermillion Street.
- 3) Parking stalls must be delineated and striped to meet minimum requirements. Based on a 404 square foot building, 3 spaces are required.
- 4) The existing parking lot must be resurfaced to meet minimum surfacing requirements as stipulated in the Zoning Ordinance
- 5) A trash and recycling enclosure must be constructed. The enclosure must be enclosed on all four sides, and be constructed with materials to match the primary building
- 6) Fencing shall be installed along the south side of the property to adequately screen activities from the abutting southern property at 1511 Vermillion Street
- 7) 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
- 8) The existing pylon sign at the corner of 15th and Vermillion Street must be removed, and cannot be used for signage purposes.
- 9) Monument signs shall be architecturally consistent with the buildings on site and incorporate similar materials into their construction.
- 10) Adherence to Minnesota Department of Transportation requirements.
- 11) 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 2.0 caliper inches at planting.
- 12) Shrub plantings are needed to shield headlight views to the south of the site. Shrubs must be planted at a density great enough to provide for a continuous plant mass.
- 13) Approval is subject to an annual review of conformance to the provisions of the special use permit.
- 14) 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.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE SPECIAL USE PERMIT TO OPERATE AN AUTOMOBILE
SERVICE STATION IN A C-3, COMMUNITY REGIONAL COMMERCE ZONING
DISTRICT AT 1501 VERMILLION STREET, HASTINGS, MINNESOTA**

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

WHEREAS, Abdifatah S. Ali has petitioned for special use permit approval to operate a service station (gas station) in a C-3, Community Regional Commerce Zoning District on land owned by Petra Development Services located at 1501 Vermillion Street legally described as Lots 15 and 16, Block 6, LEDUCS WG ADDITION, Dakota County, Minnesota; and

WHEREAS, on April 14, 2003, a public hearing was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council has reviewed the request and concurs with the recommendation of the Planning Commission.

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

That the City Council hereby approves the special use permit for operation of a service station subject to the following conditions:

1. Removal and replacement of the existing underground fuel storage tanks in conformance with state regulations.
2. Access to 15th Street shall be reduced to 32 feet and be aligned with the entrance to Great Clips located at 1421 Vermillion Street.
3. Parking stalls must be delineated and striped to meet minimum requirements. Based on a 404 square foot building, 3 spaces are required.
4. The existing parking lot must be resurfaced to meet minimum surfacing requirements as stipulated in the Zoning Ordinance
5. A trash and recycling enclosure must be constructed. The enclosure must be enclosed on all four sides, and be constructed with materials to match the primary building
6. Fencing shall be installed along the south side of the property to adequately screen activities from the abutting southern property at 1511 Vermillion Street
7. 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
8. The existing pylon sign at the corner of 15th and Vermillion Street must be removed, and cannot be used for signage purposes.
9. Monument signs shall be architecturally consistent with the buildings on site and incorporate similar materials into their construction.
10. Adherence to Minnesota Department of Transportation requirements.
11. 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 2.0 caliper inches at planting.
12. Shrub plantings are needed to shield headlight views to the south of the site. Shrubs must be planted at a density great enough to provide for a continuous plant mass.
13. Approval is subject to an annual review of conformance to the provisions of the special use permit.
14. 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 it was unanimously adopted by all Council Members present.

Ayes:

Nays:

Absent:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

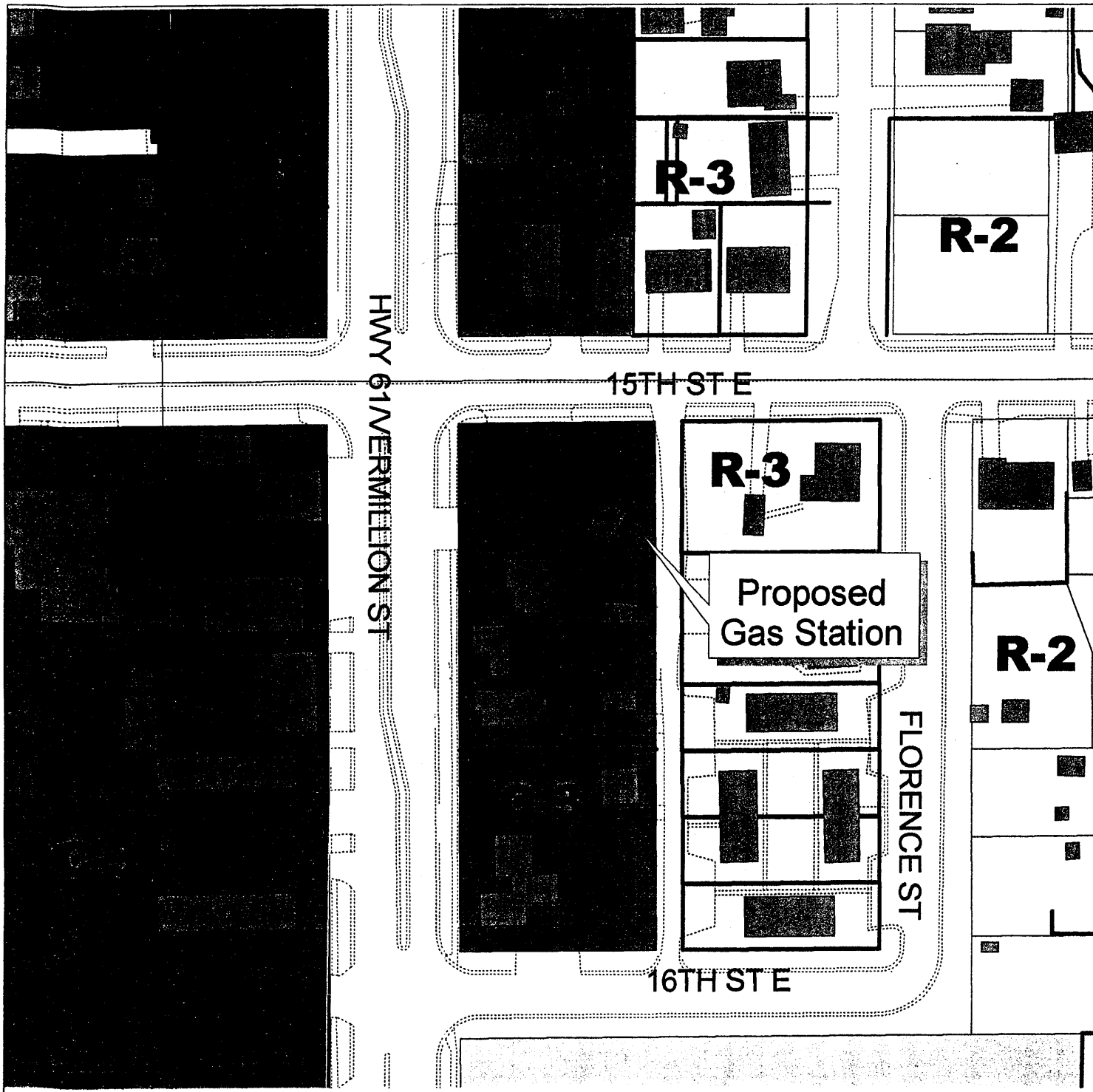
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21ST day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko
Administrative Assistant/City Clerk

(SEAL)

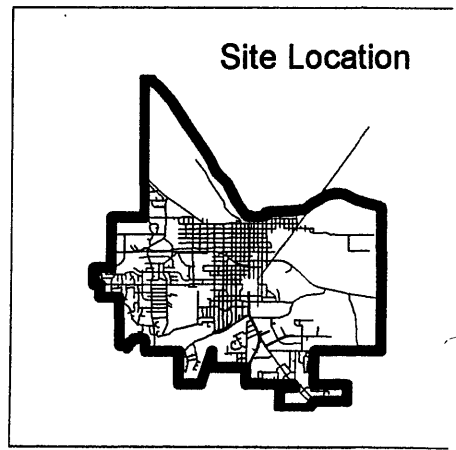
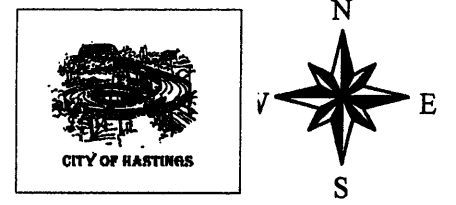
This instrument drafted by:
City of Hastings (JWH)
101 4th St. East
Hastings, MN 55033

1501 Vermillion St. Proposed Gas Station SUP- Request



Legend

| | |
|-------------------------|-------------|
| MNRRA Boundary | City Limits |
| Parcels | Water |
| Zoning Districts | |
| A | P-1 |
| C-1 | R-1 |
| C-2 | R-2 |
| C-3 | R-3 |
| C-4 | R-4 |
| F-W | R-5 |
| I-1 | R-6 |
| I-2 | ROW |
| O-1 | WAT |



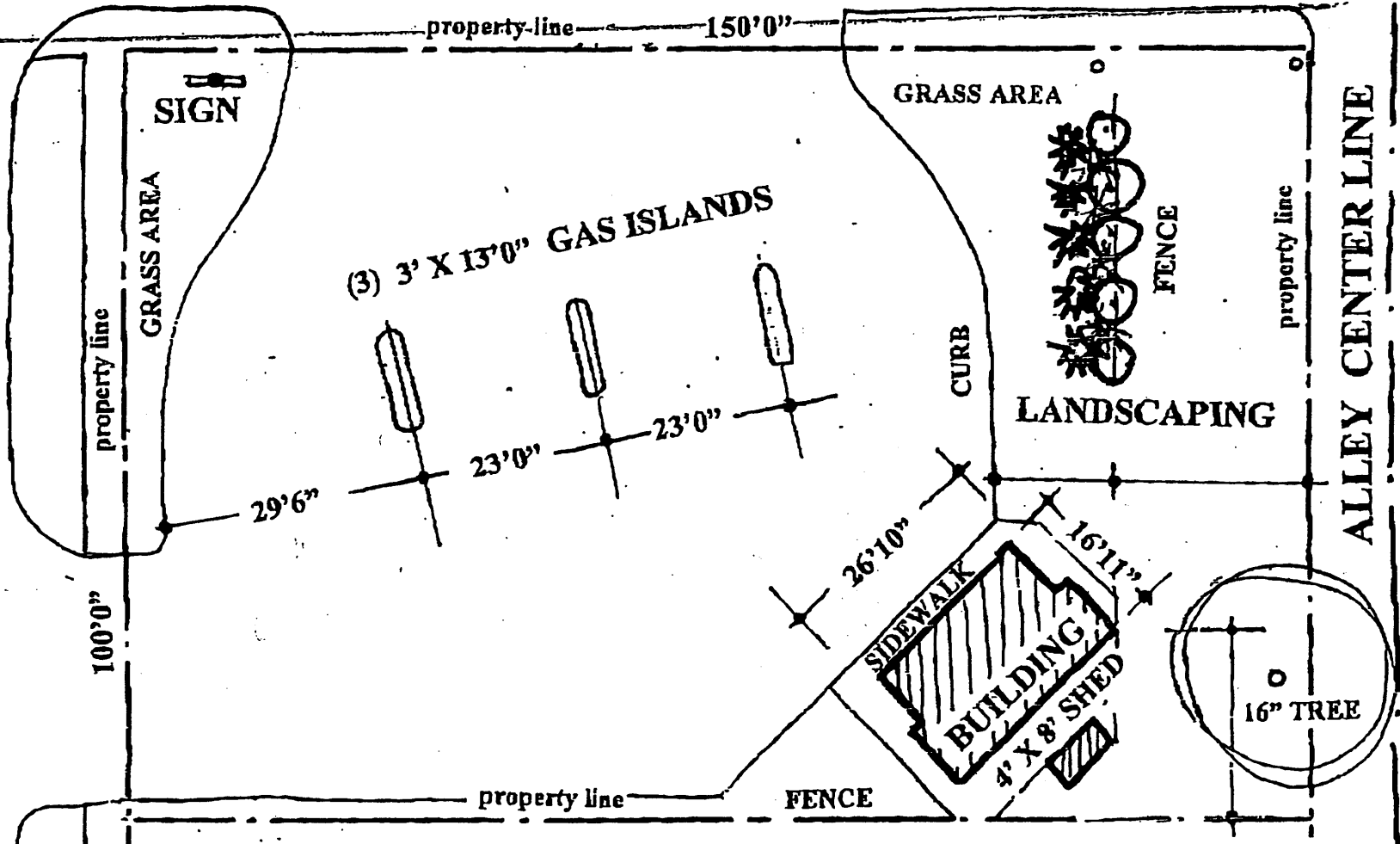
PCVD 3/13/03

SITE PLAN SCALE 1" = 20' - 0"

MAP-12-2003 19:59 FROM:

VERMILION CENTER LINE

15TH STREET CENTER LINE



ALL ITEMS ON THIS SITE PLAN ARE EXISTING

(ALI) ALBERTA
612-325-2799

ALLEY CENTER LINE

TD: 6127227657

P. 0017002

EASTINGS PLANNING COMMISSION

April 14, 2003
Regular Meeting
7:00 pm

Chairman Anderson called the meeting to order at 7:01 pm.

1. Roll Call

Commissioners Present: Alongi, Anderson, Greil, Hollenbeck, Truax, and Twedt

Commissioners Absent: Michno

Staff Present: Planning Director John Hinzman, Associate Planner Kris Jenson

2. Approve March 24, 2003 Planning Commission Minutes

Motion by Commissioner Alongi, Second by Hollenbeck to approve the Minutes of the March 24, 2003 Planning Commission as presented by staff. Motion passed unanimously.

3. Ali, Abdifatah S –Special Use Permit #2003-23 – Operation of an Auto Service Station in the C-3, Community Regional Commerce District – 1501 Vermillion Street (Former Jiffy Gas Station).

Director Hinzman provided background information on this item.

Chairman Anderson opened the public hearing at 7:08 pm.

Steve Linn, owner of 1500 Vermillion Street (Holiday Gas Station) and 1510 Vermillion Street (Goodyear), stated that he had an extensive investment in the property across the street from 1501 Vermillion Street, and that he was required to do a great number of things through the approvals process. Some of these items included proof that a semi can get in and out of the site, handicap accessibility of the building, brick on the building, etc. Mr. Linn doesn't feel that his property value is being protected, as the same standards aren't being applied.

Lee Wesolowski, representative of 1511 Vermillion Street, Questioned the tanks on the site, adding a noise barrier to the south, fence details, and concerns about headlights shining into the home at 1511 Vermillion Street.

Glen Bower, manager of the Goodyear store at 1510 Vermillion Street, stated that he receives many comments about the former Jiffy station across the street and he is concerned with the appearance of the corner.

Sheila Delaney, representative of the owner, stated that she was working closely with Mr. Ali, the applicant, and that they were willing to work closely with the neighbors to develop a site that would compliment the intersection.

Abdifatah Ali, applicant, stated that he is a small business owner and not a part of a large corporation, and that he would like to be a good neighbor to the other businesses. He stated that he currently manages a business in Minneapolis with his family.

Hearing no further comment, the public hearing was closed at 7:17 pm.

Commissioner Alongi asked about regulation regarding how large of a vehicle can visit a site.

Mr. Linn stated that he was referring to delivery vehicles.

Director Hinzman stated that it is up to the site to ensure that proper radii are in place to allow for delivery vehicle access.

Commissioner Alongi questioned the neighbors if they felt their property was better off with the site left as is.

Mr. Linn stated that he assumed the site would be redeveloped, not just repainted.

Mr. Wesolowski added that he also felt the site would be redeveloped.

Commissioner Alongi then questioned what the tank regulations are.

Director Hinzman stated that the state regulations changed a couple of years ago to require all tanks to be double walled. The tanks existing on site do not meet current regulations and would have to be removed and replaced prior to a business opening on that site. He added that the City Fire Marshall could better speak to that issue.

Mr. Linn added that the MPCA (Minnesota Pollution Control Agency) would do an inspection and order clean-up.

Chairman Anderson stated that the tanks should have been removed within a year of the law change. Obviously that didn't happen, but it will happen as a part of this process. New tanks will be put into place, soil samples will be taken, and remediations will be done as necessary.

Commissioner Greil asked if handicap accessibility applied to this site.

Director Hinzman stated that issues relating to handicap facilities are under the purview of the Building Official, and he would make that determination.

Ms. Delaney added that a façade improvement is planned, as they have done with other sites, and reiterated that they would like to work with the neighbors and City Staff to improve the site.

Mr. Linn stated that he would like to see pictures of site that have been redone.

Commissioner Truax asked where the garbage dumpster would be located.

Director Hinzman stated that there were several possible locations.

Commissioner Truax suggested that perhaps tabling the item would be a good idea.

Commissioner Twedt asked how long the site had been closed.

Mr. Linn stated that the site closed 2-3 years ago. (Staff note: The site closed in December 1998.)

Commissioner Twedt asked if there were any planned changes to the building.

Chairman Anderson added that as long as the occupancy stayed the same, there is not a lot of additional review that can be done.

Director Hinzman reminded the Commission that this was a special use permit review, not a site plan review.

Commissioner Twedt felt the discussions were premature and that the special use permit should be tabled until a site plan could be brought forth.

Chairman Anderson stated that it is out of line for the Commission to review site plan items when the request is for a special use permit, as well as to ask a business to work with its competitor on acceptable site improvements. The buildings at 1500 and 1510 Vermillion Street were new construction, and different codes apply to that situation than do this one.

Commissioner Alongi asked the applicant if he would like to add a canopy at some point – perhaps before the business re-opens.

Ms. Delaney stated that they would come forward with a site plan review when they were prepared to add the canopy, but at this point they would like the request to move forward.

Mr. Wesolowski asked if a canopy would change the lighting on the site.

Ms. Delaney stated that it would, and asked the neighbor what type of fencing they would like to see between the properties.

Chairman Anderson suggested that a condition be that the applicant works with the neighbor to find an acceptable fence for that area.

Director Hinzman stated that one of the requirements is for a 6' high opaque fence in that area.

Commissioner Alongi expressed concern that a future site plan review could have impacts on the changes required with the special use permit.

Director Hinzman stated that the future addition of a canopy could have an impact on the parking lot.

Commissioner Greil added that the fence is required, but the style is adaptable to the site. He also acknowledged that lighting will probably be an issue on this site, but that he does support the special use permit.

Commissioner Alongi concurred with Commissioner Greil.

#2003-23

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: 1501 Vermillion Str, Hastings, MN 55033

Legal Description of Property Involved: Ⓟ

Applicant:
Name ABDIFATAH S ALI
Address P.O. BOX 6173
Mpls, MN 55406
Phone 612-325-2799
Fax _____

Call for
tax number

| | |
|-------------------|-----------------|
| Official Use Only | |
| Date Rec'd | <u>3/10/03</u> |
| File No. | <u>2003-23</u> |
| Fee Paid | <u>\$200.00</u> |
| Rec'd by | <u>Vj</u> |
| Ordinance # | _____ |
| Section | _____ |

Owner (If different from Applicant):
Name Petra Development Services
Address 3003 27th Ave S, Suite 400
Mpls, MN 55406
Phone 612-722-4000

| | | | |
|------------------|-------|--------------|-----------------|
| 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):
Operation of a Service Station in a C-3
District.

Abeyallah 3-13-03
Signature of Applicant Date

[Signature] 3-15-03
Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: April 21, 2003

Subject: Camegaran, LLC – Minor Subdivision #2003-26 – Subdivision of 6.38 acres into 3 lots at the Old Hastings Middle School Site – 10th and Vermillion Streets

REQUEST

Camegaran LLC seeks approval of a minor subdivision to subdivide 6.38 acres of the former Hastings Middle School Site (Schoolhouse Square) into 3 parcels as follows:

| Minor Subdivision Parcel | Schoolhouse Square Plat |
|--------------------------|-------------------------|
| Parcel A | Lot 1, Block 2 |
| Parcel B | Lots 1-12, Block 1 |
| Parcel C | All Remaining Property |

RECOMMENDATION

The Planning Commission recommended unanimous approval of the request at the April 14, 2003 meeting with limited discussion. No one spoke for or against the item during the public hearing.

ATTACHMENTS

- Resolution
- Location Map
- Subdivision Plan
- Application

HISTORY

A Preliminary and Final Plat for SCHOOLHOUSE SQUARE, containing 12 townhome lots was approved for the site in December 2002. Problems have arisen in recording the plat due to a discrepancy in ownership for a small portion of the site; ownership must be secured before the plat could be recorded with Dakota County. The applicant seeks approval to subdivide that portion containing the townhome units for sale to another developer. The townhome area would be platted in the future into individual units, consistent with the approved plat of SCHOOLHOUSE SQUARE.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The proposed use and density are consistent with the Comprehensive Plan.

The Comprehensive Plan designates the property as:

- C – Commercial – West Half, adjacent to Vermillion Street
- U-III, Urban Residential (8+ units per acre) – East Half along Ramsey Street

Zoning Classification

The proposed use is consistent with Zoning Ordinance. The property is zoned as follows:

- C-3, General Commerce – West Half adjacent to Vermillion Street
- R-2, Medium Density Residence – Adjacent to 8th Street.
- R-5, High Density Residence – East Half along Ramsey Street.

The project was approved as a planned residential development, allowing deviations from specific zoning provisions (setbacks, lot size, etc) as well as the ability to cluster units on a portion of a property at a density equivalent to the entire parcel, in exchange for a higher level of design.

Adjacent Zoning and Land Use

| <u>Direction</u> | <u>Existing Use</u> | <u>Zoning</u> | <u>Comp Plan</u> |
|------------------|--|---|-----------------------------|
| North | Eight Street Single Family Res. | R-2 – Med Den Res. | U-I\U-II |
| East | Ramsey Street Single Family Res. | R-2 – Med Den Res. | U-1 – Urb Res. |
| South | 10 th Street Walgreens Single Family Res. | C-3 – Comm. Reg Comm. R-2 – Med Den Res. | C- Comm. U-II – Urb Res. |
| West | Vermillion Street Office Single Family Res. | O-I – General Office R-2 – Med Den Res. | U-I – Urb Res. |

Existing Condition

Former site of Hastings Middle School, also incorporates two homes located north east of 9th and Vermillion Streets. The exiting site slopes down over 30 feet from a high point along the north central portion to a low point along the northeast corner. The western half of the site is generally flat and graded.

MINOR SUBDIVISION REVIEW

Minor Subdivision Provisions

Section 11.10 of the Subdivision Ordinance regulates the Minor Subdivision (Waiver of Platting Requirements) as follows:

- *A minor subdivision is limited to one division of a parcel of land per twelve month period which results in no more than three lots provided no new road is required and all lots created meet the requirements of the zoning Ordinance.*
- *The minor subdivision shall not necessitate any additional public investment in new roads nor utilities to serve the lots.*

Building Restrictions

Approval of the Minor Subdivision would allow for construction\relocation of a single family home along 8th Street; however construction of the townhome buildings as individually owned units would be prohibited under the Building Code until the property was further subdivided (platted). The status of the building as either separate platted lots for each unit, or single ownership of the entire building must be clearly established prior to Building Permit review.

RECOMMENDATION

Approval of the Minor Subdivision is recommended subject to the following conditions:

- 1) Legal status of the building as either a single lot of record or multiple lots of record must be clearly established prior to issuance of a building permit.
- 2) A drainage, utility and access easement must be established to ensure vehicular and utility access from public right-of-ways to the buildings.
- 3) Execution of a Development Agreement prior to any construction of multiple unit buildings.
- 4) 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.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE MINOR SUBDIVISION REQUEST FOR “SCHOOLHOUSE
SQUARE” LOCATED NORTHEAST OF VERMILLION AND 10TH STREETS ,
HASTINGS, MINNESOTA**

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

WHEREAS, Camegaran, LLC has petitioned for minor subdivision approval of 6.38 acres approved as the Preliminary and Final Plat of SCHOOLHOUSE SQUARE to subdivide three lots of record generally located northeast of Vermillion and 10th Streets, legally described on “Exhibit A” ; and

WHEREAS, on April 14, 2003, a public hearing was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council has reviewed the request and concurs with the recommendation of the Planning Commission.

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

That the City Council hereby approves the aforementioned described minor subdivision subject to the following:

1. Legal status of the building as either a single lot of record or multiple lots of record must be clearly established prior to issuance of a building permit.

2. A drainage, utility and access easement must be established to ensure vehicular and utility access from public right-of-ways to the buildings.
3. Execution of a Development Agreement prior to any construction of multiple unit buildings.
4. 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.

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

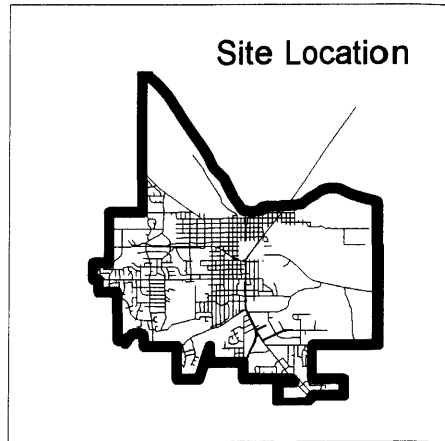
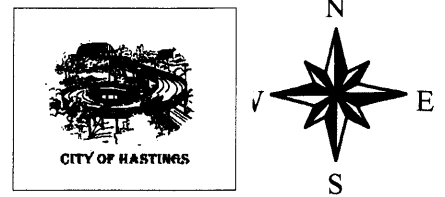
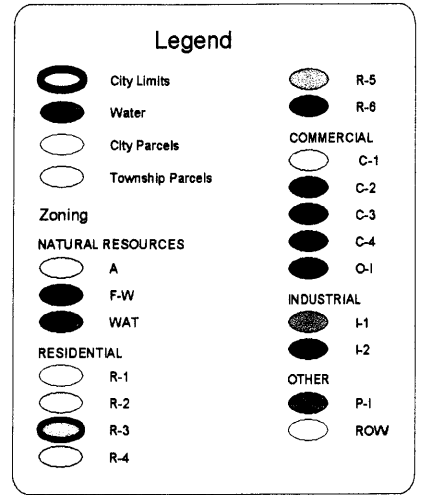
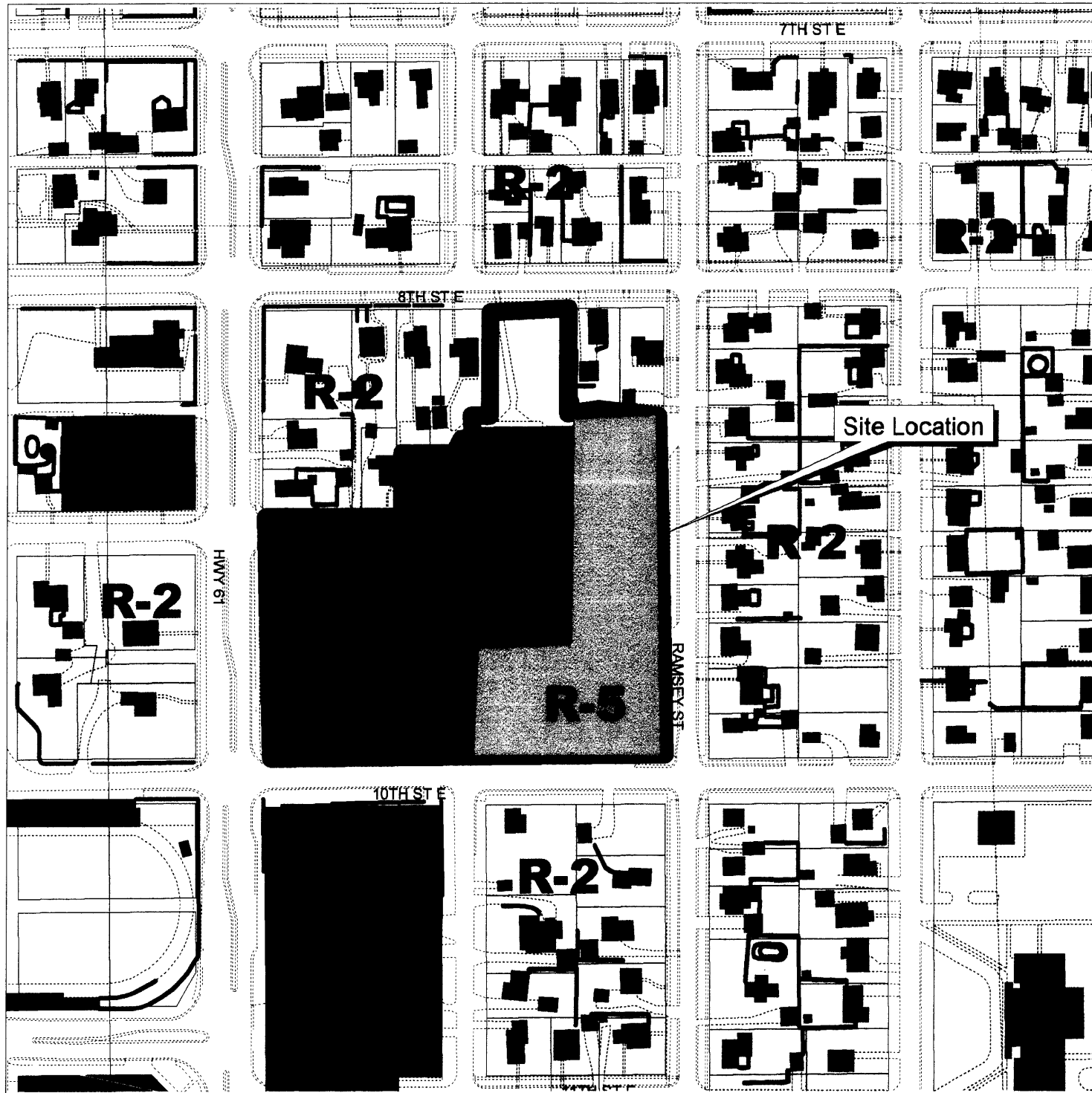
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of April, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk

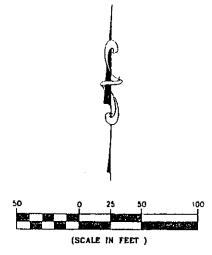
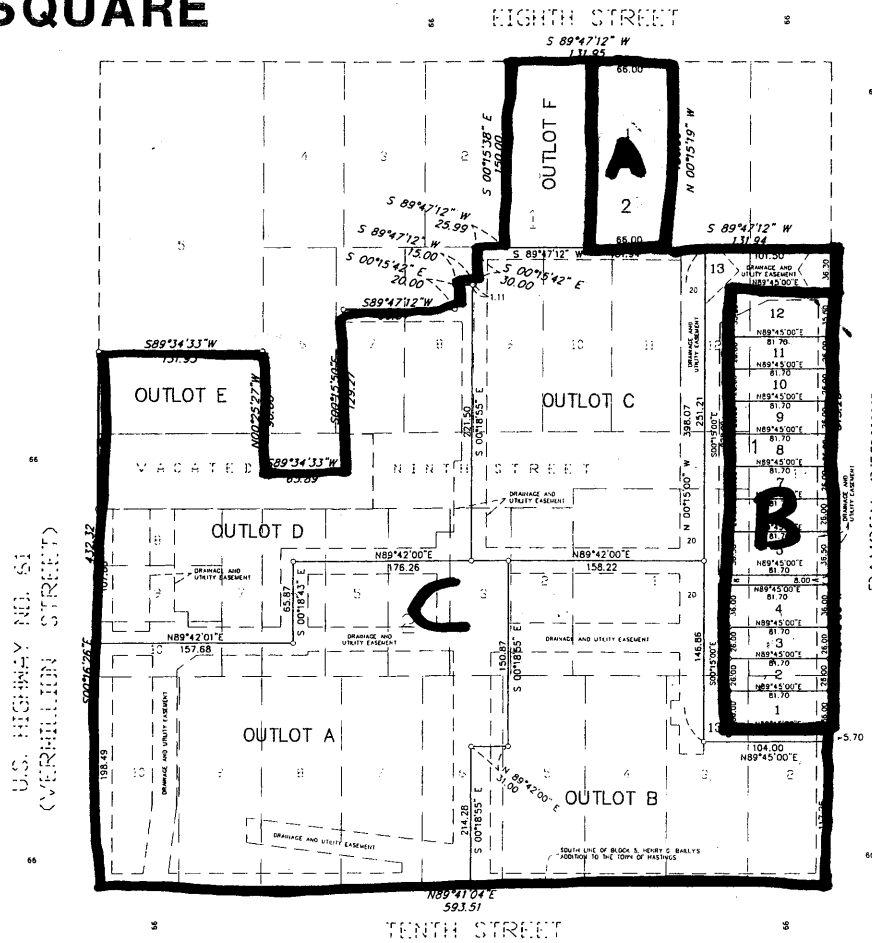
(SEAL)

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

Minor Subdivision Camegaran, LLC Schoolhouse Square



SCHOOLHOUSE SQUARE



● - Denotes 1/2-inch found iron monument.
 ○ - Denotes 1/2-inch set iron pipe marked by License 19810
 Bearings shown are based on the South line of Block 5, Henry G. Bailey's Addition to the Town of Hastings having a bearing of $N 89^{\circ}45'00'' E$.

SCHOELL & MADSON, INC.
 ENGINEERS * SURVEYORS * PLANNERS
 SOIL TESTING * ENVIRONMENTAL SERVICES

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033

Phone 651.480.2350 Fax 651.427.7082

Address of Property Involved: Old Middle School Site

Legal Description of Property Involved: See attached

Applicant:

Name Camegaran, LLC
Address 1321 Southview Drive
Hastings, MN. 55033
Phone (612) 759-2786
Fax (651) 437-1302

| |
|-----------------------------|
| Official Use Only |
| Date Rec'd <u>3/31/03</u> |
| File No. _____ |
| Fee Paid <u>100.00</u> |
| Rec'd by <u>[Signature]</u> |
| Ordinance # _____ |
| Section _____ |
| App. Com. _____ |

Owner (If different from Applicant):

Name _____
Address _____
Phone _____
Fax _____

Rec # 90228

Request: _____
Rezoning: _____
Comp Plan Amend: _____
Site Plan: _____
Variance: _____

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

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

Minor Subdivision

Camegaran, LLC
Signature of Applicant

Date 3/31/03

Signature of Owner

Patrick O. Regan

Date 3/31/03

Applicant Name and Title - Please Print

Camegaran, LLC

Owner Name - Please Print

Patrick O. Regan

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: April 21, 2003
Subject: Development Agreement – Minor Subdivision - Schoolhouse Square Townhomes

REQUEST

The City Council is asked to approve the attached Development Agreement between the City and Camegaran, LLC (Pat Regan) for the minor subdivision of Schoolhouse Square Townhomes, consisting of 13 units on 3 lots. The project is located at the former Hastings Middle School Site northeast of 10th and Vermillion Streets. The Development Agreement is submitted in conjunction with the Minor Subdivision request.

THE CITY ATTORNEY WILL BE SENDING A COPY OF THE DEVELOPMENT AGREEMENT UNDER A SEPARATE COVER

Building Restrictions

It appears construction of the townhome buildings as individually owned units would be prohibited under the Building Code until the property was further subdivided (platted). Staff will provide further information on this item at the City Council Meeting

ATTACHMENTS

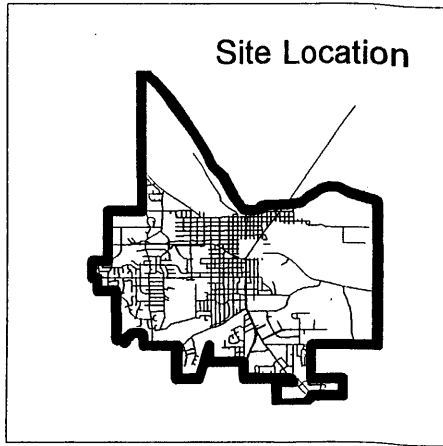
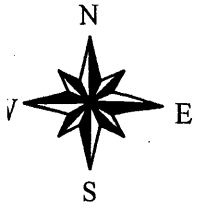
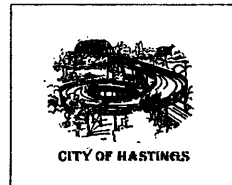
- Location Map
- Final Plat

Minor Subdivision Camegaran, LLC Schoolhouse Square

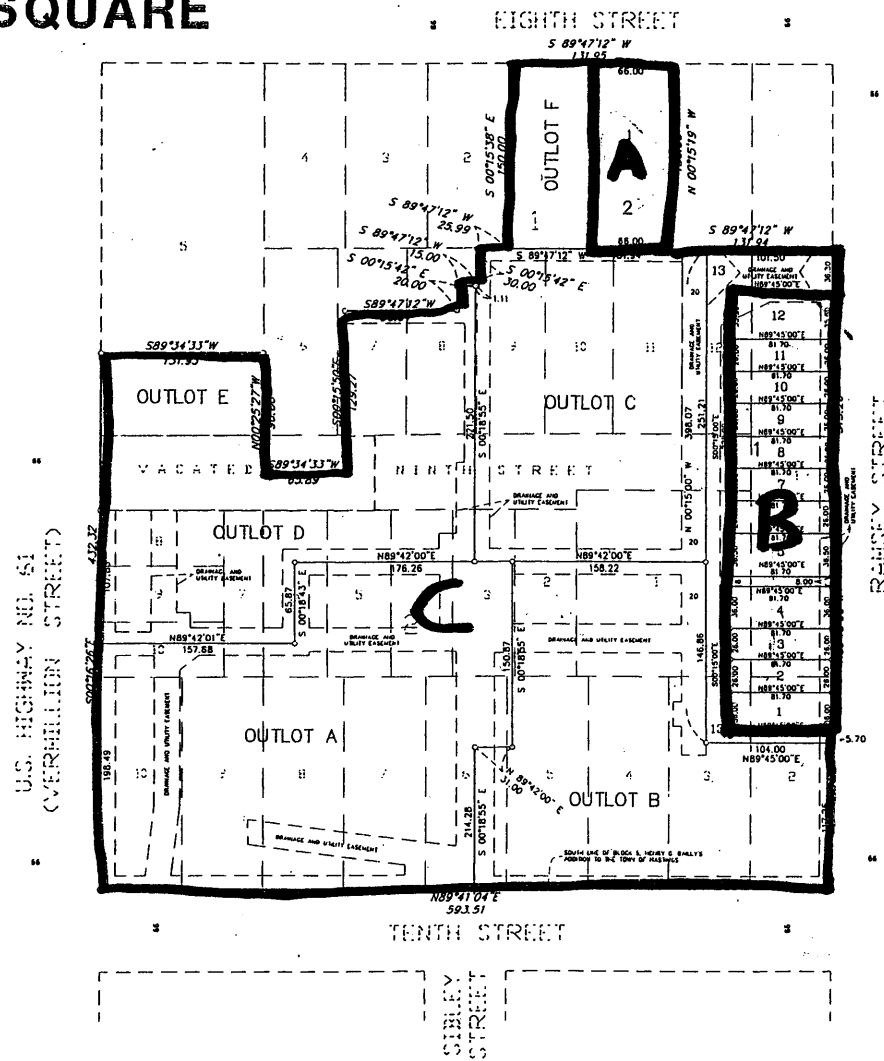


Legend

| | | | |
|--------------------------|------------------|--|------------|
| | City Limits | | R-5 |
| | Water | | R-6 |
| | City Parcels | | COMMERCIAL |
| | Township Parcels | | C-1 |
| Zoning | | | C-2 |
| NATURAL RESOURCES | | | C-3 |
| | A | | C-4 |
| | F-W | | C-4-1 |
| | WAT | | INDUSTRIAL |
| RESIDENTIAL | | | I-1 |
| | R-1 | | I-2 |
| | R-2 | | OTHER |
| | R-3 | | P-1 |
| | R-4 | | ROW |



SCHOOLHOUSE SQUARE



⊙ - Denotes 1/2-inch found iron monument.
 ○ - Denotes 1/2-inch cast iron pipe marked by License 19940.
 Bearings shown are based on the South line of Block 3, HENRY G. BAILY'S ADDITION TO THE TOWN OF HASTINGS having a bearing of N89°15'00"E.

SCHOELL & MADSON, INC.
 ENGINEERS * SURVEYORS * PLANNERS
 SOIL TESTING * ENVIRONMENTAL SERVICES

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033

Phone 651.480.2350 Fax 651.427.7082

Address of Property Involved: Old Middle School Site

Legal Description of Property Involved: See attached

Applicant:

Name Camegaran, LLC
Address 1321 Southview Drive
Hastings, MN. 55033
Phone (612) 759-2786
Fax (651) 437-1302

| |
|-----------------------------|
| Official Use Only |
| Date Rec'd <u>3/31/03</u> |
| File No. |
| Fee Paid <u>\$100.00</u> |
| Rec'd by <u>[Signature]</u> |
| Ordinance # <u>0</u> |
| Section |
| App. Com. |

Owner (If different from Applicant):

Name _____
Address _____
Phone _____
Fax _____

Rec # 90228

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

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

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

Minor Subdivision

Camegaran, LLC
Signature of Applicant [Signature]

Date 3/31/03

Signature of Owner [Signature]

Date 3/31/03

Applicant Name and Title - Please Print

Camegaran, LLC

Owner Name - Please Print

Patrick O. Regan

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: April 21, 2003

Subject: Brian Groskopf - Variance #2003-29 to enlarge a non-conforming structure and to vary from the side yard setback to construct a garage addition at 1210 Lyn Way.

REQUEST

Brian Groskopf seeks to enlarge a non-conforming structure as well as a 2.5' variance to the 10' side yard setback requirement to construct a garage addition onto the existing home at 1210 Lyn Way.

RECOMMENDATION

Approval is recommended. The proposed garage would not be placed any closer to the street than the existing home, which is 26' feet from the front property line. The side of the garage addition would line up with the existing garage, and would not encroach any further into the side yard setback.

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-1 – Low Density Residential. Single family dwellings are a permitted use in the R-1 District.

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 | Single Family Home | R-1 – Low Dens Res. | U-I – Urb Res. |
| East | Lyn Way Single Family Home | R-1 – Low Dens Res. | U-I – Urb Res. |
| South | Single Family Home | R-1 – Low Dens Res. | U-I – Urb Res. |
| West | Single Family Home | R-1 – Low Dens Res. | U-I – Urb Res. |

Existing Condition

The existing home is an “L” shape that meets all setback requirements except the north side yard setback. There is a 15’ drainage and utility easement along the south side of the property.

VARIANCE REVIEW

Minimum Setback Requirements

Minimum setback requirements for the R-1 District are:

| Area | Setback |
|-------------|----------------|
| Front | 20’ |
| Side | 10’ |
| 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.

Notification of Adjoining Property Owners

Notification was sent to adjoining property owners. One neighbor that apparently lives behind the applicant called on April 11 to say that she had no opposition to the variance.

RECOMMENDED ACTION

Adoption of the attached resolution.

ATTACHMENTS

- Location Map
- Site Plan
- Resolution
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A VARIANCE FOR
1210 LYN WAY, HASTINGS, MINNESOTA**

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

WHEREAS, Brian Groskopf has initiated consideration of a variance of 2.5 feet to the 10 foot sideyard setback requirement in the R-1, Low Density Residential Zoning District as stipulated in Hastings City Code, Chapter 10.26 for property at 1210 Lyn Way legally described property as follows:

Lot 7, Block 5, Hastings Oak Park Addition, Dakota County, Minnesota

Containing 10677 square feet, more or less.

WHEREAS, on April 14th, 2003, a review of this variance was held before the Planning Commission of the City of Hastings, and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the conditions contained herein; and

WHEREAS The City Council has reviewed the request and concurs with the recommendation of the Planning Commission.

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

That a variance is approved for a minimum side yard setback of 7.5 feet at 1210 Lyn Way, based on the following findings of fact:

1. Most within the same zoning district in the immediate area of the subject parcel have been constructed at similar setbacks, and the proposed additional would not encroach any further into the sideyard setback than the existing garage. A literal interpretation of the City Code would deprive the applicants of rights commonly enjoyed by other properties in the same district.

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 April 21st, 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 21st day of April, 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

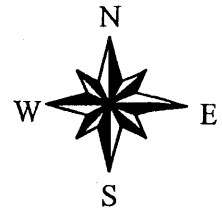
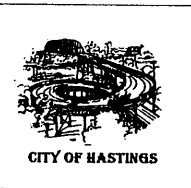
(SEAL)

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

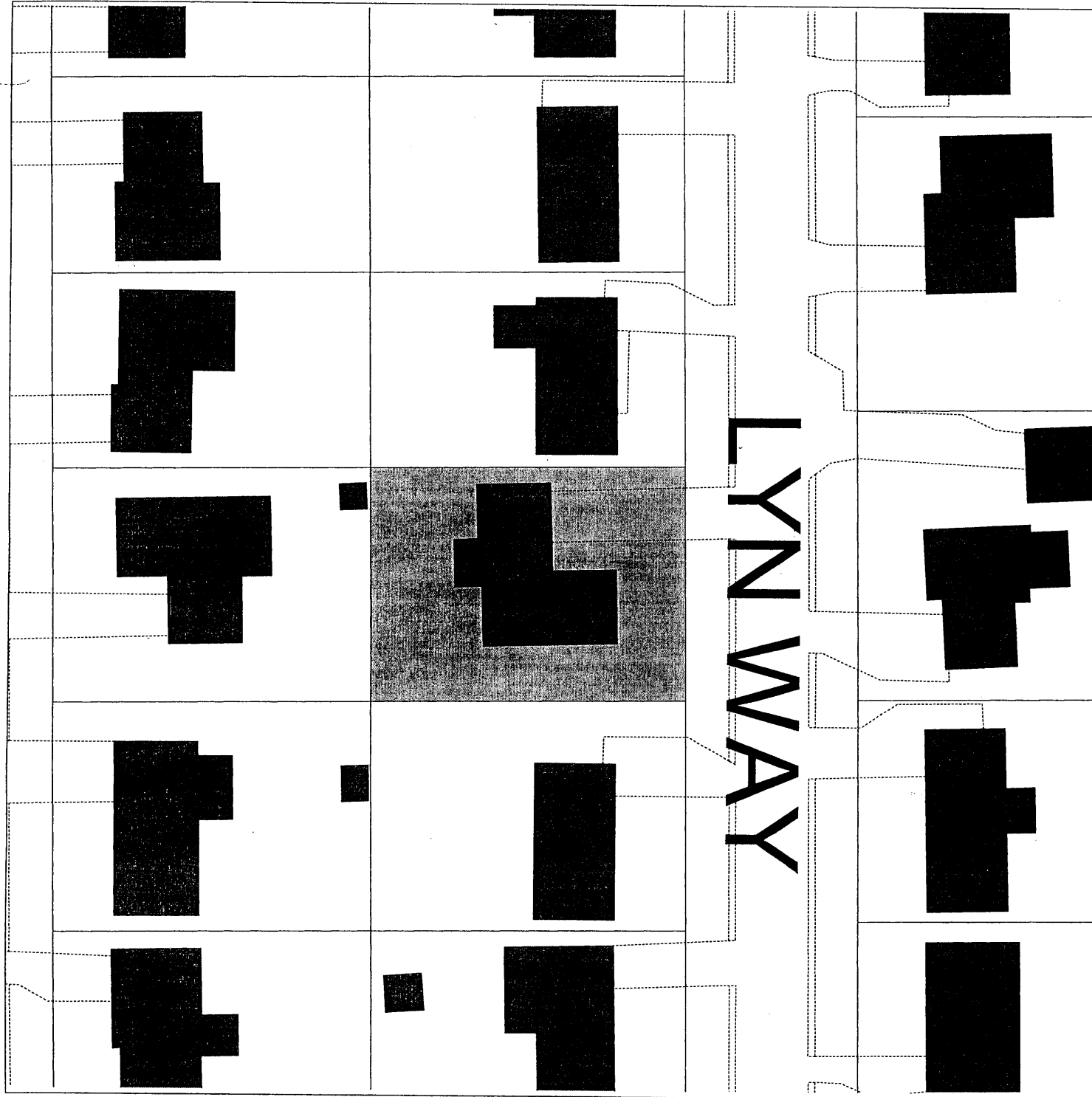
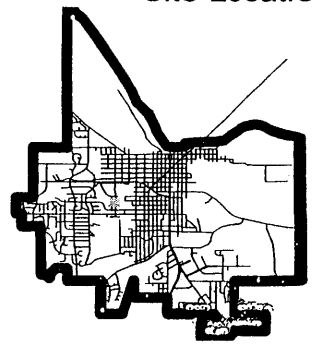
1210 Lyn Way Side Yard Setback Variance

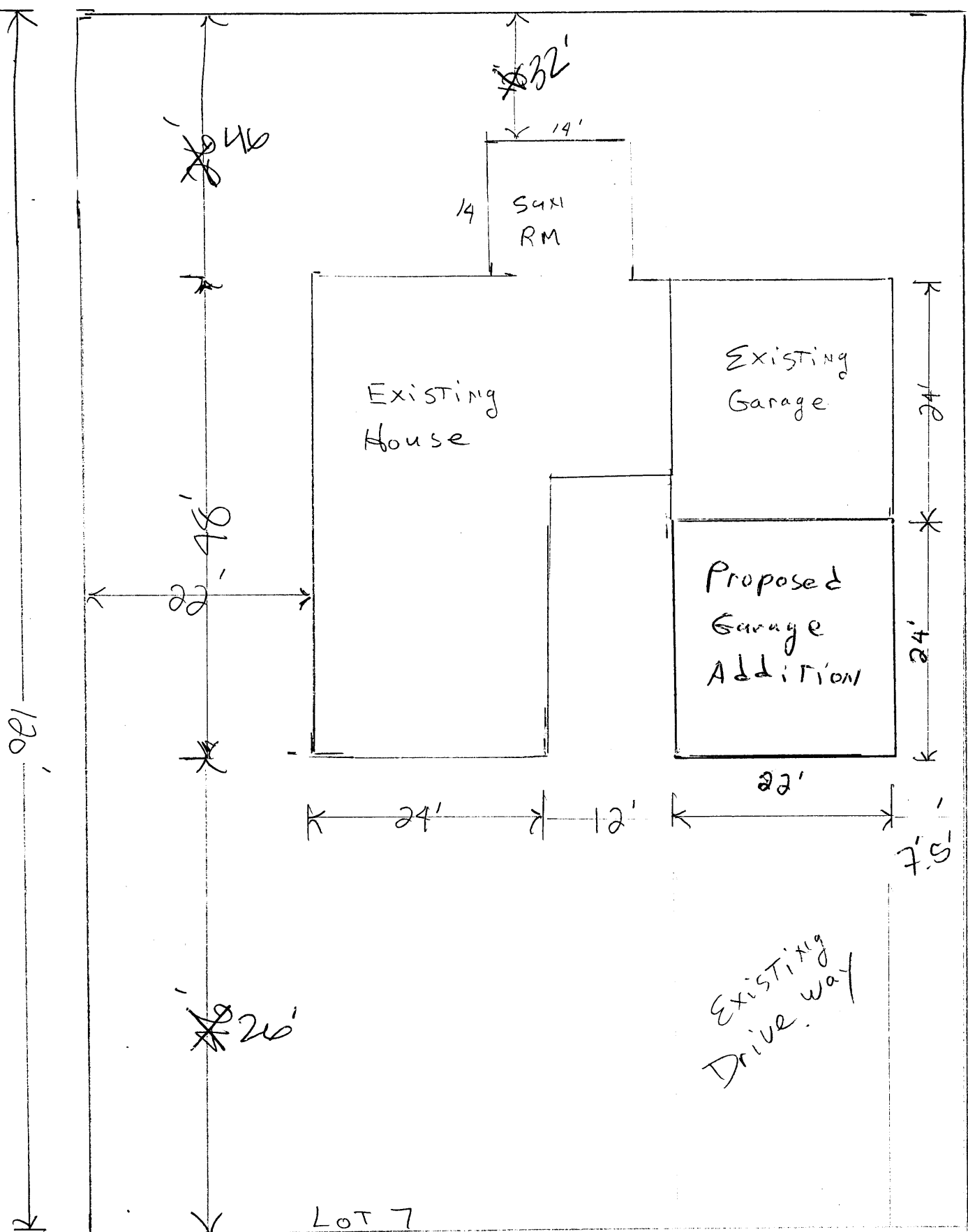
Legend

-  Buildings
-  Roads
-  Parcels



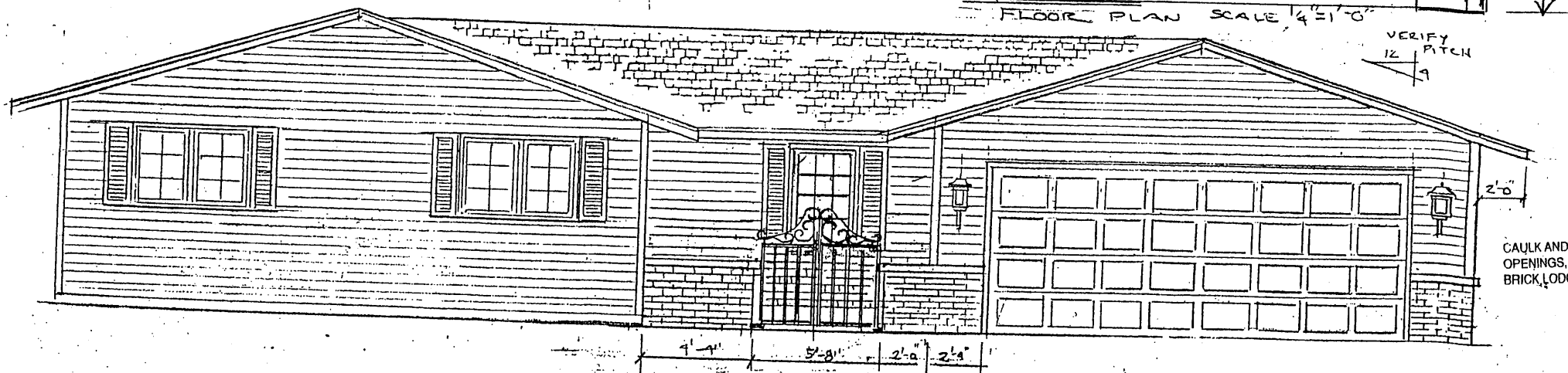
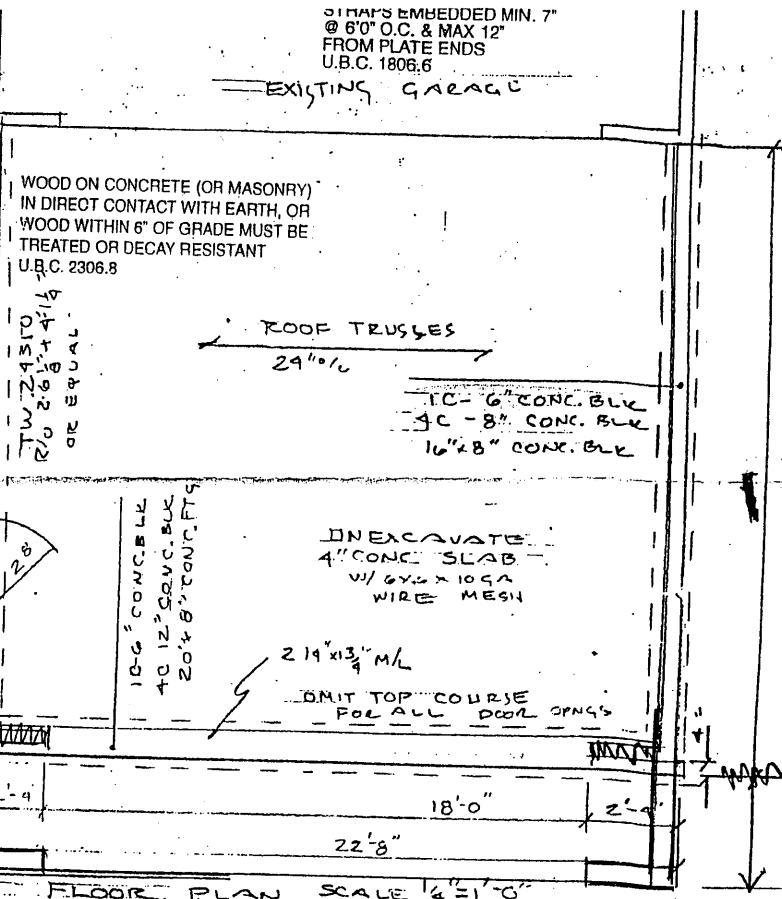
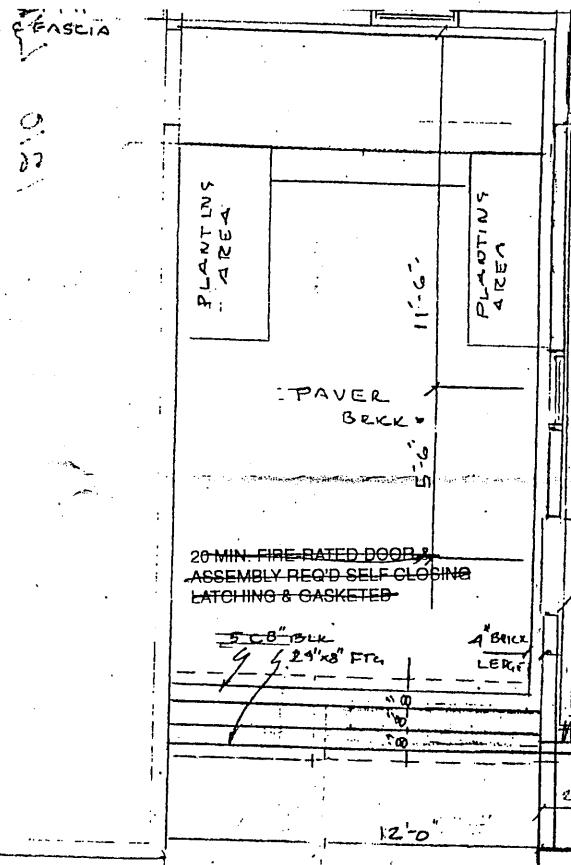
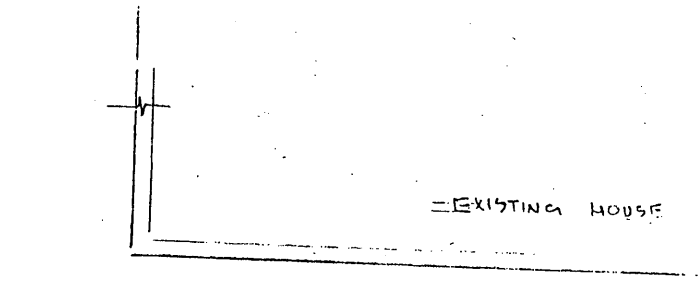
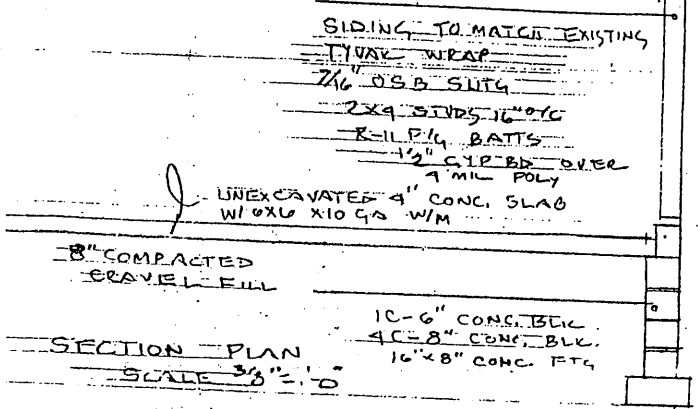
Site Location





1210 LYN 89' way
 BRIAN GROS KOPF

22'-8"



STRAPS EMBEDDED MIN. 7"
@ 6" O.C. & MAX 12"
FROM PLATE ENDS
U.B.C. 1806.6

EXISTING GARAGE

WOOD ON CONCRETE (OR MASONRY)
IN DIRECT CONTACT WITH EARTH, OR
WOOD WITHIN 6" OF GRADE MUST BE
TREATED OR DECAY RESISTANT
U.B.C. 2306.8

ROOF TRUSSES
29" o.c.

1C-6" CONC. BLK
3C-8" CONC. BLK
16x8" CONC. BLK

UNEXCAVATE
4" CONC. SLAB
W/ 6x6 x 10 GA
WIRE MESH

2 1/4 x 3 1/4 M/L

OMIT TOP COURSE
FOR ALL DOOR SPRNGS

FLOOR PLAN SCALE 1/4" = 1'-0"

VERIFY PITCH
12/9

Klem + Meier

GARAGE ADDITION

#2003-~~80~~²⁹

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033

Phone 651.480.2350 Fax 651.427.7082

Address of Property Involved: 1210 LYN WAY

Legal Description of Property Involved: Lot 7 Block 5 OAK PARK EDITION

Applicant:

Name BRIAN GROSKOPF
Address 1210 LYN WAY
HASTINGS MN
Phone 438-9749
Fax _____

| | |
|-------------------|--------------------|
| Official Use Only | |
| Date Rec'd | <u>4/4/03</u> |
| File No. | <u>#2003-80</u> |
| Fee Paid | <u>716.00</u> |
| Rec'd by | <u>[Signature]</u> |
| Ordinance # | <u>0</u> |
| Section | _____ |
| App. Com. | _____ |

Owner (If different from Applicant):

Name _____
Address _____
Phone _____
Fax _____

RPC # 90564

Request: _____
Rezone: _____
Comp Plan Amend: _____
Site Plan: _____
Variance: Y: 475.00

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

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

Addition to Garage

Signature of Applicant [Signature] Date 4-4-03 Signature of Owner [Signature] Date _____

Applicant Name and Title - Please Print _____ Owner Name - Please Print _____

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: April 21, 2003
Subject: Request for Qualifications – Hastings Industrial Park Phase II

REQUEST

The City Council is asked to approve the attached Request for Qualifications (RFQ) for development of Phase II of the Hastings Industrial Park. Upon approval, the RFQ would be sent to select interested parties to submit proposals.

The intent of the RFQ is to solicit interest and proposals and gauge the ability of developers to help in developing the Park. **Commitments for sale or development rights are not included as part of the RFQ.** Upon submittal of proposals, and interviewing of developers, more formal development agreements could be drafted in the future.

RECOMMENDATION

The Hastings Industrial Park Board voted to recommend approval of the RFQ at the April 17, 2003 meeting. Approval followed discussion of the RFQ during the last few meetings.

ATTACHMENTS

- Request for Qualifications

CITY OF HASTINGS
REQUEST FOR QUALIFICATIONS
INDUSTRIAL PARK DEVELOPMENT OPPORTUNITY
HASTINGS INDUSTRIAL PARK
PHASE II
CITY COUNCIL DRAFT – APRIL 21, 2003

I. INTRODUCTION

The City is seeking assistance in planning and master plan development of Phase II of the Hastings Industrial Park consistent with the goals and objectives of the City's Comprehensive Plan. The City is committed to a strong public/private relationship and would consider incentives for a desirable development.

II. BACKGROUND

The City of Hastings, is a historic Mississippi River town of 19,000 at the edge of the expanding Twin Cities Metropolitan Area. Increased levels of industrial, and commercial growth are needed to provide for the expansion of local industries and to support the growing population and commercial base.

In response to the needs of citizens and business owners, the City has acquired a 128 acre site located east of the existing Hastings Industrial Park at the intersection of US Highway 61 and Minnesota Highway 316. To the best of our knowledge, the site has not been used for any other purpose than agriculture and is not protected for any reason. The City's plans call for developing the area as Phase II of the Hastings Industrial Park

Development of the existing 100 acre park began in the 1970's, and is now home to over 40 businesses. The park has seen steady growth over the past year. Six new buildings including a 72,000 square foot addition to Quality One Woodworking, and the 22,000 square foot Lawrence Interiors Building have begun construction.

The City has benefited from a history of strong residential and commercial growth. Founded in 1854, Hastings is one of the oldest Cities in Minnesota. The City serves as the county seat of Dakota County, one of the fastest growing counties in the State. Hastings has a tradition of strong community pride and identity rooted in its historic core, and vibrant downtown area on the banks of the Mississippi River. The City's population is expected to grow to 30,000 over the next 20 years. The City has seen steady growth in both residential and commercial development.

The City is well served by highway connections to the remaining Twin Cities area, Southern Minnesota, and Western Wisconsin. Highways include State Highway 55, as well as US Highways 61, and Minnesota Highway 316 (adjacent to the existing park). The park is also adjacent to the Hastings trail system, connecting the site to the Mississippi River, Vermillion River Falls, Downtown, and Dam Site areas.

III. SITE DESCRIPTION

A. Site Location. The site is bounded by the State Veterans Home to the North, vacant agriculture land and future residential development to the East, Protected conservation area to the South, and existing Hastings Industrial Park to the West. Please see the attached Site Map for further detail

B. Zoning. The zoning of the site is I-1 – Industrial Park. The I-1 District allows for industrial, manufacturing, and warehouse uses.

C. Design Guidelines. The city expects high quality architecture and use of durable building materials. Maintaining architectural integrity throughout the development project is a priority.

IV. TENANT MIX

It is the goal of the project to create a unique environment and unique tenant mix. The development must provide opportunity for the expansion of existing businesses, and serve as an attractive location for new businesses. Efficient use of land through the construction of larger buildings to serve multiple tenants is a priority. The city has seen a strong demand for office\warehouse space to serve small to medium sized tenants.

V. QUALITIES DESIRED IN A DEVELOPER

A. The developer must demonstrate an understanding and working knowledge of industrial and business park development.

B. The developer must demonstrate the experience, and capacity necessary to organize and deliver a high quality project of this type and scale.

C. The selected developer must provide evidence of an ability to obtain commitments for private financing for projects of the type envisioned by the City for the proposed project site.

VI. COMMITMENTS FROM THE CITY OF HASTINGS

- A. The city has acquired and assembled the property. The City will resell the land to the private developer at a negotiated price.
- B. The City will consider various public financing tools, if necessary, to enhance the feasibility of the project.

VII. DESIRED DEVELOPER QUALIFICATIONS

- A. Experience in Industrial and Business Park development.
- B. Proven organizational and project management capabilities.
- C. Access to equity for financing.
- D. Capacity to Design Improvements.
- E. Experience in public/private development projects.
- F. Creative, experienced design and consultant team.
- G. Good references from other communities regarding the developer's ability to work with city staff and city councils.

VIII. INFORMATION REQUESTS AND SUBMISSION REQUIREMENTS

Requests for Information: Further inquiries should be directed to John Hinzman, Planning Director at (651) 480-2378 or jhinzman@ci.hastings.mn.us.

Response Format: All respondents should provide ten (10) bound copies in a format no larger than 11" x 17". All responses should include:

1. Resumes of the Developer - corporate, key personnel, design team.
2. Personnel assigned to this project.
3. Past projects - in particular recent projects of a similar nature.
4. Business References.
5. Community References.
6. Banking Relationships.
7. Sample of Marketing Plan for Developments of Similar Nature

Deadline: All qualification packages should be submitted to the City of Hastings, no later than 4:00 p.m., ****date****. Responses should be addressed to John Hinzman, Planning Director, City of Hastings, 101 East 4th Street, Hastings, Minnesota 55033

IX. SELECTION

A city selection committee will review RFQ proposals, Interview developer(s), and make a recommendation to the City Council. If the city elects not to select a developer based on the RFQ responses and interviews, the City may select up to three (3) developers to make specific project proposals through a request for proposals (RFP) format.

The City of Hastings reserves the right to reject any or all submittals and withdraw, modify or reissue this RFQ at any time.

X. PRELIMINARY PROJECT SCHEDULE

Issue RFQ
Receive RFQ Responses
Developer Interviews
RFP to Selected Respondents if necessary
Proposals Due
Developer Selection
Start of Design Development process

MEMORANDUM

VIII-C-1

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Approve Second Reading—Strong Beer License

Please see information provided under Public Hearing section of agenda.

MEMORANDUM

VIII-C-2

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Second Reading—Chapter 12 Amendments: Reconnection Fees

Please see information provided under Public Hearing section of agenda.

MEMORANDUM

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Second Reading—Chapter 12 Amendments: Reconnection Fees

Please see information provided under Public Hearing section of agenda.

MEMORANDUM

VIII-C-4

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Public Hearing & Approve Second Reading—Late Fee Charges

Please see information provided under Public Hearing section of agenda.

MEMORANDUM

To: Mayor Werner & City Councilmembers **VIII-C-5**
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: April 16, 2003
Re: Conduct Public Hearing and Approve Second Reading for Amendment
to Chapter 5—Establishing Fireworks Regulations

Please see information provided under Public Hearing section of agenda.

**CITY OF HASTINGS
COUNTY OF DAKOTA, MINNESOTA**

RESOLUTION 04-___-03

**RESOLUTION SETTING THE FEES FOR
FIREWORKS LICENSES AND BACKGROUND INVESTIGATION
FEES FOR FIREWORKS APPLICATIONS
WITHIN THE CITY OF HASTINGS**

WHEREAS, the City of Hastings has established a licensing process for storage and sale of fireworks within the City of Hastings; and

WHEREAS, The City Council of the City of Hastings has determined that it is necessary to establish licensing fees and a background investigation fee; and

WHEREAS, licensing fees are hereby established on an annual basis and background investigation fees are hereby established for the initial application for sales of fireworks.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hastings, that the following fireworks license fees are hereby in effect:

| | |
|-------------------------------|--|
| Annual Fireworks License Fee: | \$150 per establishment per year |
| Background Investigation Fee: | \$100 per establishment at time of initial application |

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS,
MINNESOTA, THIS 21st DAY OF APRIL, 2003.**

Ayes:

Nays:

Absent:

**Michael Werner
Mayor**

**Melanie Mesko Lee
Administrative Assistant/City Clerk**

(SEAL)