

CITY OF HASTINGS

COUNCIL MEETING

7:00 P.M. DATE:

**Monday
August 4, 2003**

I. CALL TO ORDER:

II. ROLL CALL:

III. DETERMINATION OF QUORUM:

Swear in Police Officer—Katie Schulz

IV. APPROVAL OF MINUTES:

Approval of Minutes for the Regular Meeting on July 21, 2003

V. COUNCIL ITEMS TO BE CONSIDERED:

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—2003/2004 Safe & Sober Grant Agreement
3. Resolution—Approve Massage Therapy License
4. Resolution—Approve Gambling Permit for Regina Medical Center for October 26, 2003
5. Resolution—Approving 2004 MnDOT Transit Funding Formula
6. First Reading/Order Public Hearing—City Code Amendment #2003-46 – Neighborhood Commercial Uses
7. Approve Certificate of Correction to Plat—South Pines 4
8. Approve Wallin Park Improvements
9. Resolution—Request Study for 2004-2008 Dakota County CIP: County Road #47 Realignment
10. Authorization to Receive Bids

VII. AWARDING OF CONTRACTS & PUBLIC HEARING:

1. Public Hearing—Code Amendment for Chapter 9 Relating to Keeping of Dogs and Cats
2. Public Hearing—Disposition of City-Owned Property: South Oaks of Hastings
3. Public Hearing—Park Dedication Fee Increase

VIII. REPORTS FROM CITY STAFF:

A. Public Works

1. Resolutions—Glendale Heights
 - a. Reorder Feasibility Study
 - b. Order Public Hearing to Order Improvements

B. Planning

1. Resolution—Approve Disposition of City Property: South Oaks of Hastings
2. Approve Lawcon Agreement
3. Resolution—Preliminary Plat & Final Plat #2003-41: South Oaks of Hastings 2nd Addition
4. Resolution—Special Use Permit #2003-49: Floodplain Use Permit for South Oaks of Hastings 2nd Addition (Bohlken Drive)
5. Resolution—Site Plan #2003-53: Access Drive Construction (McAuliffe Elementary)

C. Administration

1. Second Reading—Code Amendment for Chapter 9 Relating to Keeping of Dogs and Cats
2. Second Reading—Park Dedication Fee Increase

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, August 18, 2003

Hastings, Minnesota
July 21, 2003

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday July 21, 2003 at 5:30 PM, in the Volunteer Room at the Hastings City Hall, 101 East 4th, Street, Hastings, Minnesota.

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

Members Absent: None

Staff Members Present: City Administrator Dave Osberg;
Administrative Assistant/City Clerk Melanie Mesko Lee;
City Attorney Shawn Moynihan;
Planning Director John Hinzman;
Finance Director Lori Webster;
Public Works Director Tom Montgomery
Parks & Recreation Director Marty McNamara

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of July 7, 2003. Hearing none, the minutes were approved as presented.

Consent Agenda

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

1. Pay Bills As Audited
2. Resolution—School House Square Livable Communities Grant
3. Approve Point Structure and Pay Range for Part-Time IT Position
4. Approve Off-Sale Liquor License for DuGarel's Bar & Grill, 3745 Vermillion Street
5. First Reading & Order Public Hearing for Code Amendment for Chapter 9 Relating to Keeping of Dogs and Cats
6. Resolution—Offering Commendation and Congratulations to Sharon Avent, Recipient of the City of Hope "Spirit of Life Award
7. Resolutions and Recommendations for the Issuance of \$5,520,000 GO Improvement Bonds, Series 2003A
8. 2003 Budget Adjustments
9. First Reading & Order Public Hearing for August 4, 2003—Code Amendment to Approve Park Dedication Fees Increase
10. Declare Excess Equipment—Civic Arena LP Gas System
11. Amend Development Agreement—River Valley Clinic

12. Order Public Hearing—Disposition of City Property: South Oaks and Addition (Lawcon Property on Bohlken Drive)
13. Authorize Request of Quotes for Wayside Panels
14. Pay Estimate #6—2002 General Sieben Drive Reconstruction: McNamara Contracting (\$143,481.17)
15. Pay Estimate #2—General Sieben Drive Extension: A-1 Excavating (\$443,395.01)
16. Resolution—Final Payment: Louis Lane Ponding Basin Trail: Pember Excavating (\$15,085.82)
17. Approve On-Sale Liquor License Application for Westside Bar & Grill (formerly County Pub)
18. Resolution—Authorizing Execution of LeDuc Mansion Grant Agreement
Copy of resolutions on file.

Resolution—Award Contract: City Hall Roof

City Administrator Osberg recommended awarding the contract to John A. Dalsin in the amount of \$191,139.

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness to approve the resolution as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Award Contract: Wallin Hockey Rink

Parks & Recreation Director McNamara recommended awarding the contract to Spiral Fence in the amount of \$61,700.

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

7 Ayes; Nays, none.

Copy of resolution on file.

Authorize Test Drilling for New Municipal Well

Public Works Director Montgomery requested authorization to drill a small diameter test well on the west side of Pleasant Drive between 23rd Street and Northridge Drive.

Moved by Councilmember Moratzka, seconded by Councilmember Hazlet to authorize staff to test drill for a new municipal well.

7 Ayes; Nays, none.

Resolution—Variance #2003-51: Addition to Non-Conforming Structure—Dan Miller (1986 Oak Street)

Moved by Councilmember Riveness, seconded by Councilmember Moratzka to approve the resolution as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Site Plan #2003-47: Regina Medical Center Parking Lot (1175 Nininger Road)

Planning Director Hinzman stated that the Planning Commission recommended approval with a 28' street width, but the Fire Marshal recommended a 32' road width.

Moved by Councilmember Moratzka, seconded by Councilmember Yandrasits approve the site plan, with an amendment to Condition #6 for a minimum 32' road width, as per the Fire Marshal's recommendation.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Preliminary Plat #2003-48: Glendale Heights—Tom Ryan

Planning Director Hinzman stated that the formal action before the Council is a request to subdivide three outlots for future development and dedication of the Spiral Boulevard and 31st Street rights-of-way through the property. This action would not create any buildable lots. Council is also being asked to consider a review of the development's conceptual plan. The Planning Commission unanimously recommended approval of the Preliminary Plat. The Planning Commission also reviewed the Concept Plan and provided general support for the layout.

The Council discussed the length and width of a proposed cul-de-sac on the south end of the proposed development, the proposed density of the project, and the need for a public safety siren. The Planning Committee of the Council will review options for the 31st Street alignment.

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the preliminary plat as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Site Plan #2003-50: Chiropractic Clinic—Dr. Chad Petterson (SE Corner of South Frontage Road & Bahls Drive)

Council discussed the parking needs for the building; 39 spaces are proposed. Dr. Petterson stated that he needs only 29 spaces.

Moved by Councilmember Schultz, seconded by Councilmember Moratzka to approve the site plan with an amendment to Condition #13, limiting the number of parking spaces to 29.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Site Plan #2003-44: 30-Unit Condo Building—John Wesley Investments (Lot 1, Block 1, Williams Addition)

Planning Director Hinzman stated that the Planning Commission unanimously recommended approval of the site plan for a three story, 30-unit condominium building with 22 conditions. Approval to construct 30 units was approved as part of a 1986 rezoning, planned residential development and plat approval.

Council discussed issues with buffering and traffic impacts. They discussed the density and the ability to provide a "sunset" clause for future approvals so there

isn't a similar development delay. Hinzman stated that site plan approvals have a sunset clause; but that would not apply in this case because the property was rezoned and guided as Urban Residential at 4-8 units per acre, which this plan complies with.

Moved by Councilmember Yandrasits, seconded by Councilmember Hicks to approve the site plan with the 22 conditions as presented.
6 Ayes; Nays: one, Councilmember Hicks voting against.
Copy of resolution on file.

Concept Plan Review—Schoolhouse Square: Camegaran, LLC

Planning Director Hinzman stated that no formal action is requested at this time; the applicant would like some Council feedback on the concept plan. Council discussed issues related to vehicle stacking, height of the proposed condominium building, and parking.

Second Reading—Ordinance Amendment: Chapter 10.23-.24—Industrial Park Uses

Moved by Councilmember Yandrasits, seconded by Councilmember Schultz to approve the ordinance amendment as presented.
7 Ayes; Nays, none.

Adjournment

Moved by Councilmember Riveness, seconded by Councilmember Hicks to adjourn the meeting at 8:29 p.m.
7 Ayes; Nays, None.

Mayor

ATTEST

City Clerk

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
ADMINISTRATION	FORTIS BENEFITS INS	AUG LTD PREMIUM	55.24
ADMINISTRATION	GRAPHIC DESIGN	BLANK WINDOW ENV	80.94
ADMINISTRATION	LASERSHARP, INC.	LASER CARTRIDGES	74.55
ADMINISTRATION	NEOPOST	POSTAGE MACHINE LEASE	745.90
ADMINISTRATION	OSBERG, DAVID M.	MINNESOTA FLOOD SUMMIT	30.00
Total for Department 105			986.63*
CITY CLERK	FORTIS BENEFITS INS	AUG LTD PREMIUM	14.83
CITY CLERK	HASTINGS STAR GAZETT	IND PARK CHANGES	136.00
CITY CLERK	HASTINGS STAR GAZETT	LEGAL PUB/GLENDALE HTS	24.00
CITY CLERK	HASTINGS STAR GAZETT	LEGAL PUB/SO OAKS 2ND	24.00
CITY CLERK	HASTINGS STAR GAZETT	LEGAL/ CH ROOF REPAIR	44.40
CITY CLERK	HASTINGS STAR GAZETT	ORD/ PET LIMITS	24.00
CITY CLERK	HASTINGS STAR GAZETT	SITE PLAN/WHISPERING LAN	24.00
CITY CLERK	HASTINGS STAR GAZETT	SO OAKS DISP OF LAND	24.00
CITY CLERK	LEAGUE MN CITIES INS	DEDUCTIBLE/CZUPRYNSKI WC	133.22
CITY CLERK	MESKO LEE, MELANIE	EXPENSE REIMBURSEMENT	611.11
Total for Department 107			1,059.56*
FINANCE	FORTIS BENEFITS INS	AUG LTD PREMIUM	87.48
Total for Department 120			87.48*
MAINTENANCE	CRAMER BLDG SERVICE	MAINT CONTRACT	278.00
MAINTENANCE	CRAMER BLDG SERVICE	SERVICE CALL	415.00
MAINTENANCE	FORTIS BENEFITS INS	AUG LTD PREMIUM	15.77
MAINTENANCE	GRAINGER, W.W. INC.	BALLAST	16.59
MAINTENANCE	LEO A DALY COMPANY	REROOF CITY HALL/ PROF S	1,234.82
MAINTENANCE	LIFEWORKS SERVICES I	JUNE SERVICE	185.97
MAINTENANCE	ORKIN PEST CONTROL	MONTHLY SERVICE	87.79
MAINTENANCE	PROFIX GROUP, INC.	REPAIR VFD	1,212.50
MAINTENANCE	R & O ELEVATOR CO. I	MAINT CONTRACT	134.63
MAINTENANCE	SANCO CLEANING SUPPL	FLOOR MAT TILES	463.06
MAINTENANCE	SCHILLING PAPER CO.	PAPER SUPPLIES	185.71
MAINTENANCE	STATE SUPPLY CO	RPZ REBUILD KIT	204.28
MAINTENANCE	T.D.'S CLEANING	JULY CLEANING	1,150.80
MAINTENANCE	TOWER CLEANING SYSTE	JULY CLEANING	1,196.21
MAINTENANCE	XCEL ENERGY	JULY ELECTRICITY	4,134.16
Total for Department 140			10,915.29*
PLANNING	DAKOTA COUNTY PROPER	MARCH RECORDING FEES	120.00
PLANNING	FORTIS BENEFITS INS	AUG LTD PREMIUM	39.69
PLANNING	LEAGUE OF MN CITIES	TRAINING WORKSHOP / HINZ	30.00
Total for Department 150			189.69*
M.I.S.	FORTIS BENEFITS INS	AUG LTD PREMIUM	25.47
M.I.S.	INSIGHT PUBLIC SECTO	PC ANYWHERE / IT	171.08
M.I.S.	VECTOR INTERNET SERV	INTERNET SERVICE	34.95
M.I.S.	VENTURE SYSTEMS INC	PHONE WIRING / FIRE DEPT	227.50
M.I.S.	VENTURE SYSTEMS INC	SWITCH PROGRAMMING	37.50
M.I.S.	VENTURE SYSTEMS INC	TECH SERVICE	375.00
Total for Department 160			871.50*

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
POLICE	AWARDS ETC.	CITIZEN AWARD PLAQUE	37.28
POLICE	BIRCHEN ENTERPRISES	RIVERTOWN DAYS SUPPLIES	32.87
POLICE	BOISE CASCADE OFFICE	OFFICE SUPPLIES	348.85
POLICE	BOUND TREE/NORTH AME	GLOVES	81.90
POLICE	CAPITOL COMMUNICATIO	RADIO EQUIP REPAIR	103.89
POLICE	DE LAGE LANDEN FINAN	MONTHLY SERVICE	290.05
POLICE	FORTIS BENEFITS INS	AUG LTD PREMIUM	762.53
POLICE	GRAPHIC DESIGN	OFFICE SUPPLIES	101.18
POLICE	JACOBSON, JEREMY	BODY ARMOR PURCHASE	353.74
POLICE	MUNSON MICHAEL	REIMBURSE/ RIVERTOWN DAY	36.92
POLICE	NEXTEL COMMUNICATION	CELL PHONE SERVICE	818.50
POLICE	NORTHLAND BUSINESS S	DIGITAL SYSTEM MAINTENAN	1,367.55
POLICE	RDJ SPECIALTIES, INC	PARADE CANDY	152.61
POLICE	UNIFORMS UNLIMITED	UNIFORM / K BOOTH	1,115.41
POLICE	WALMART COMMUNITY BR	GENERAL SUPPLIES	80.16
	Total for Department 201		5,683.44*
BUILDING AND INSPECT	BDM CONSULTING ENGIN	FINAL GRADE VERIFICATION	100.00
BUILDING AND INSPECT	BDM CONSULTING ENGIN	TOP OF BLOCK VERIFICATIO	600.00
BUILDING AND INSPECT	FORTIS BENEFITS INS	AUG LTD PREMIUM	89.20
BUILDING AND INSPECT	MN STATE TREASURER	BUILDING PERMIT SURCHARG	10,424.71
	Total for Department 230		11,213.91*
PUBLIC WORKS	BDM CONSULTING ENGIN	RESIDENTIAL LOT GRADING	8,400.00
PUBLIC WORKS	BDM CONSULTING ENGIN	TOP OF BLOCK SURVEY	1,700.00
PUBLIC WORKS	COPY EQUIPMENT INC.	INK	109.96
PUBLIC WORKS	COPY EQUIPMENT INC.	PLOTTER PAPER	99.58
PUBLIC WORKS	COUNTRYSIDE IMPLEMEN	BLADES	53.01
PUBLIC WORKS	FORTIS BENEFITS INS	AUG LTD PREMIUM	271.90
PUBLIC WORKS	G & K SERVICES	TOWEL / MAT RENTAL	127.83
PUBLIC WORKS	GURNEY, DAVID	DIGITAL CAMERA FLASH CAR	55.99
PUBLIC WORKS	MAHONEY, PAUL	PARKING LOSS CONTROL WOR	10.00
PUBLIC WORKS	NEXTEL COMMUNICATION	CELL PHONE SERVICE	305.57
PUBLIC WORKS	NEXTEL COMMUNICATION	WIRELESS CARGES	359.01
PUBLIC WORKS	RUEDY, CALVIN	CLASS A DRIVER'S LIC REN	19.00
PUBLIC WORKS	SOLBERG AGGREGATE CO	RIP RAP	427.82
PUBLIC WORKS	XCEL ENERGY	JULY ELECTRICITY	12,763.52
	Total for Department 300		24,703.19*
PARKS AND RECREATION	FORTIS BENEFITS INS	AUG LTD PREMIUM	8.32
	Total for Department 401		8.32*
	Total for Fund 101		55,719.01*
PARKS AND RECREATION	BAHLS SERVICE	BOOT	8.52
PARKS AND RECREATION	BAHLS SERVICE	INNER TUBE	37.28
PARKS AND RECREATION	BAHLS SERVICE	SOLENOID VALVE	58.54
PARKS AND RECREATION	CARLSON TRACTOR & EQ	HOSE	134.32
PARKS AND RECREATION	FARMERS MILL & ELEVA	BALLFIELD MARKING DUST	336.54
PARKS AND RECREATION	FINLEY BROTHERS ENTE	STRAIGHTEN HOCKEY BOARDS	1,300.00

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	FORTIS BENEFITS INS	AUG LTD PREMIUM	111.53
PARKS AND RECREATION	GORDY'S GLASS	LIGHT LENS	34.48
PARKS AND RECREATION	LEEF BROTHERS, INC.	TOWELS	45.06
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE SERVICE	235.08
PARKS AND RECREATION	SHERWIN-WILLIAMS	TAPE	37.96
PARKS AND RECREATION	SKIP'S SPRINKLERS	SPRINKLER REPAIRS/WALLIN	693.24
PARKS AND RECREATION	XCEL ENERGY	JULY ELECTRICITY	2,856.40
	Total for Department 401		5,888.95*
	Total for Fund 200		5,888.95*
PARKS AND RECREATION	SARAH BAUER	REIMBURSE 1/2 TUITION/ C	67.50
PARKS AND RECREATION	MITCHELL MESAROS	REIMBURSE 1/2 TUITION/ C	92.50
PARKS AND RECREATION	JULIE OLSON	REIMBURSE 1/2 TUITION/CE	192.50
PARKS AND RECREATION	DENISE MCCALL	SWIM LESSON REFUND / MAT	33.00
PARKS AND RECREATION	DIPPIN DOTS, INC.	6 BOXES	546.00
PARKS AND RECREATION	DIPPIN DOTS, INC.	7 BOXES	637.00
PARKS AND RECREATION	EMILY'S	16 DZ BUNS	46.24
PARKS AND RECREATION	EMILY'S	20 DZ BUNS	57.80
PARKS AND RECREATION	FIRST LINE BEVERAGES	CONCESSION SUPPLIES	2,336.42
PARKS AND RECREATION	FORTIS BENEFITS INS	AUG LTD PREMIUM	21.69
PARKS AND RECREATION	FRITZ CO. INC.	CONCESSION CANDY	617.01
PARKS AND RECREATION	MIDWEST COCA-COLA BT	COKE PRODUCTS	293.85
PARKS AND RECREATION	MIDWEST COCA-COLA BT	CONCESSION SUPPLIES	675.85
PARKS AND RECREATION	MIDWEST COCA-COLA BT	CONCESSION SUPPLIES	-690.50
PARKS AND RECREATION	WHEELER HARDWARE	DOOR LOCK REPLACEMENT	220.06
PARKS AND RECREATION	XCEL ENERGY	JULY ELECTRICITY	2,623.13
	Total for Department 401		7,770.05*
	Total for Fund 201		7,770.05*
CABLE	HASTINGS ACCESS CORP	ACCESS SUPPORT	25,000.00
	Total for Department 420		25,000.00*
	Total for Fund 206		25,000.00*
HERITAGE PRESERVATIO	FORTIS BENEFITS INS	AUG LTD PREMIUM	2.52
	Total for Department 170		2.52*
	Total for Fund 210		2.52*
FIRE	ANCOM COMMUNICATIONS	BATTERY MAINT SYSTEM	821.65
FIRE	CCP INDUSTRIES INC	ROLL TOWELS	285.43
FIRE	EMERGENCY APPARATUS	REPAIRS 1480	9,223.92
FIRE	FORTIS BENEFITS INS	AUG LTD PREMIUM	213.18
FIRE	GALLS, INC.	SAFETY BOOTS	104.98
FIRE	GERLACH SERVICE, INC.	PARTS	1.93
FIRE	GERRY'S FIRE PROTECT	RECHARGE FIRE EXT	13.85
FIRE	KERN, DeWENTER, VIER	AUDIT CHARGES/2002 YEAR	2,075.00
FIRE	REGINA MEDICAL CENTE	EMS CONFERENCE FEES	418.60

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
FIRE	U.S. POSTMASTER	POSTAGE / EVNELOPES	660.67
FIRE	WALMART COMMUNITY BR	DEPARTMENT SUPPLIES	130.93
FIRE	XCEL ENERGY	JULY ELECTRICITY	870.93
FIRE	ZEP MANUFACTURING CO	CLEANING SUPPLIES	637.43
	Total for Department 210		15,458.50*
AMBULANCE	BLUE CROSS & BLUE SH	REFUND OVERPAY/CALL20030	681.34
AMBULANCE	BOUND TREE/NORTH AME	AMBULANCE SUPPLIES	290.40
AMBULANCE	EMERGENCY MEDICAL PR	AMBULANCE SUPPLIES	171.15
AMBULANCE	MEDICA CHOICE	OVERPAYMENT/CALL 2002033	470.77
AMBULANCE	MOORE MEDICAL CORP.	AMBULANCE SUPPLIES	2,518.85
	Total for Department 220		4,132.51*
	Total for Fund 213		19,591.01*
EQUIPMENT REVOLVING	CRYSTEEL TRUCK EQUIP	LIFTGATE / INSTALLATION	2,284.43
	Total for Department 800		2,284.43*
	Total for Fund 403		2,284.43*
HOUSING AND REDEVELO	FORTIS BENEFITS INS	AUG LTD PREMIUM	22.98
	Total for Department 500		22.98*
	Total for Fund 404		22.98*
ECONOMIC DEVELOPMENT	FORTIS BENEFITS INS	AUG LTD PREMIUM	4.76
ECONOMIC DEVELOPMENT	SDS INC.	IND PARK / C & A BLDG	283.84
	Total for Department 180		288.60*
	Total for Fund 407		288.60*
PUBLIC WORKS	BDM CONSULTING ENGIN	GS DR 03-6	16,496.00
PUBLIC WORKS	DAKOTA COUNTY SOIL/W	GS DR	234.00
	Total for Department 300		16,730.00*
	Total for Fund 493		16,730.00*
PUBLIC WORKS	BARR ENGINEERING CO.	UPDATW SWMM TASK 322	75.00
PUBLIC WORKS	CONNELLY INDUSTRIAL	TECH LABOR	240.77
PUBLIC WORKS	ECOLAB PEST ELIM.DIV	ODOR UNITS	12.25
PUBLIC WORKS	FORTIS BENEFITS INS	AUG LTD PREMIUM	126.52
PUBLIC WORKS	MSC INDUSTRIAL SUPPL	VICES	268.28
PUBLIC WORKS	NEXTEL COMMUNICATION	CELL PHONE SERVICE	373.27
PUBLIC WORKS	T.D.'S CLEANING	JULY CLEANING	319.50
PUBLIC WORKS	WAHLSTROM MASONRY	REPLACE CONCRETE	325.00
PUBLIC WORKS	XCEL ENERGY	JULY ELECTRICITY	10,616.86
	Total for Department 300		12,357.45*
	Total for Fund 600		12,357.45*

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	FORTIS BENEFITS INS	AUG LTD PREMIUM	52.37
PUBLIC WORKS	XCEL ENERGY	JULY ELECTRICITY	642.83
	Total for Department 300		695.20*
	Total for Fund 601		695.20*
CITY CLERK	CHOICEPOINT SERVICES	TRAC RANDOM DRUG TESTS	56.00
CITY CLERK	FORTIS BENEFITS INS	AUG LTD PREMIUM	42.07
CITY CLERK	MESKO LEE, MELANIE	EXPENSE REIMBURSEMENT	18.00
	Total for Department 107		116.07*
	Total for Fund 610		116.07*
PARKS AND RECREATION	FORTIS BENEFITS INS	AUG LTD PREMIUM	58.04
PARKS AND RECREATION	MCGREE JIM	MILEAGE/ ZAMBONI SEMINAR	57.60
PARKS AND RECREATION	R & R SPECIALITIES,	MAINT SEMINAR/ SLIV & JE	80.00
PARKS AND RECREATION	XCEL ENERGY	JULY ELECTRICITY	7,480.86
	Total for Department 401		7,676.50*
	Total for Fund 615		7,676.50*
PUBLIC WORKS	FEDERAL ENERGY REG.C	HYDROPOWER ANNUAL CHARGE	3,792.82
PUBLIC WORKS	FORTIS BENEFITS INS	AUG LTD PREMIUM	16.80
PUBLIC WORKS	XCEL ENERGY	JULY ELECTRICITY	465.14
	Total for Department 300		4,274.76*
	Total for Fund 620		4,274.76*
PLANNING	BDM CONSULTING ENGIN	MISS CENTRAL OFC PK	187.50
PLANNING	BDM CONSULTING ENGIN	REGINA MED CTR	812.50
PLANNING	BDM CONSULTING ENGIN	SPIRAL BLVD/ 31ST	687.50
PLANNING	BDM CONSULTING ENGIN	WILLIAMS LIB1	312.50
	Total for Department 150		2,000.00*
PUBLIC WORKS	BARR ENGINEERING CO.	LOT 5-30 UNIT BLDG(LAWRE	48.00
PUBLIC WORKS	BARR ENGINEERING CO.	RIVERWOOD ADD TASK 300	13.96
PUBLIC WORKS	BDM CONSULTING ENGIN	CENT SO 4TH	1,145.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENT SO 5TH	3,812.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENT SO 5TH PLAN REVIEW	31.25
PUBLIC WORKS	BDM CONSULTING ENGIN	HIGHVIEW ESTATES PLAN RE	875.00
PUBLIC WORKS	BDM CONSULTING ENGIN	MISS CENTRAL OFC PK	37.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALLIN 10TH	6,359.00
PUBLIC WORKS	DAKOTA COUNTY SOIL/W	RIVERWOOD	156.00
PUBLIC WORKS	DAKOTA COUNTY SOIL/W	WALLIN PROP	156.00
	Total for Department 300		12,633.21*
	Total for Fund 807		14,633.21*
	Grand Total		173,050.74*

August 4, 2003

APPROVED:

City Administrator

David Albert

Finance Director

Thomas Hight

Councilmember Hazlet

Edward Riveness

Councilmember Riveness

Councilmember Schultz

Laura Moratzka

Councilmember Moratzka

Paul Hicks

Councilmember Hicks

Janette P. Yandrasits

Councilmember Yandrasits

Werner

Mayor Werner

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

Memo

To: City Council
From: Becky Kline
Finance Department
Date: 07/22/2003

The attached Department Report itemizes vouchers that were paid on July 22, 2003.

Thank you.

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	COMMERCIAL ASPHALT C	HOT MIX/ DISCOUNT TAKEN	1,980.06
		Total for Department 300	1,980.06*
		Total for Fund 101	1,980.06*
		Grand Total	1,980.06*

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

Memo

To: City Council
From: Becky Kline
Finance Department
Date: 07/29/2003

The attached Department Report itemizes vouchers that were paid on July 29, 2003.

Thank you.

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	DELTA DENTAL PLAN OF AUGUST-2003 DENTAL PREMI		1,838.50
	Total for Department 000		1,838.50*
ADMINISTRATION	BOISE CASCADE OFFICE	ARM KEYBD/WRISTREST	198.07
ADMINISTRATION	BOISE CASCADE OFFICE	GREY BOND PAPER	5.85
ADMINISTRATION	BOISE CASCADE OFFICE	PENS/DISKS/CLIPS/PADS/EN	228.28
ADMINISTRATION	IOS CAPITAL	QUARTERLY MAINT CHG	1,104.74
ADMINISTRATION	S & T OFFICE PRODUCT	CORRECTION REFILLS/STICK	27.45
ADMINISTRATION	S & T OFFICE PRODUCT	CORRECTION STICK	-2.23
	Total for Department 105		1,562.16*
CITY CLERK	HASTINGS STAR GAZETT	ORD PUB DOWNTOWN MASTER	304.00
	Total for Department 107		304.00*
FINANCE	GOVT FINANCE OFFICER	SGR GAAFR REVIEW 10/03-9	50.00
	Total for Department 120		50.00*
MAINTENANCE	ASSOC CONSTRUCTION P	LEGAL AD CITY HALL ROOF	69.16
MAINTENANCE	ASSOC CONSTRUCTION P	LEGAL ADD CITY HALL ROOF	69.16
	Total for Department 140		138.32*
PLANNING	BENSHOOF & ASSOCIATE	TRAFFIC STUDY WILLIAMS 1	1,388.12
	Total for Department 150		1,388.12*
POLICE	BOISE CASCADE OFFICE	INK CART/MARKERS/CUPS/RI	161.10
POLICE	BOISE CASCADE OFFICE	TONER	76.04
POLICE	GALLS, INC.	VEHICLE UNLOCK KITS	272.60
POLICE	HASTINGS VEHICLE REG	REGISTRATION TABS	9.50
POLICE	KISSNER, CARY L.	BODY REPAIR SQUAD 1416	1,403.02
POLICE	SHAMROCK ANIMAL CLIN	ANIMAL STORAGE 5/28-7/5/	472.08
	Total for Department 201		2,394.34*
BUILDING AND INSPECT	BDM CONSULTING ENGIN	FINAL GRADE VERIFICATION	4,700.00
BUILDING AND INSPECT	BDM CONSULTING ENGIN	TOP OF BLOCK VERIFICATIO	1,500.00
BUILDING AND INSPECT	MCES	JUNE SAC CHARGES	31,556.25
	Total for Department 230		37,756.25*
PUBLIC WORKS	BDM CONSULTING ENGIN	CENTERPOINT ENERGY	148.00
PUBLIC WORKS	BDM CONSULTING ENGIN	DAKOTA ELECTRIC	74.00
PUBLIC WORKS	BDM CONSULTING ENGIN	FINAL GRADE VERIFICATION	300.00
PUBLIC WORKS	BDM CONSULTING ENGIN	GENERAL CITY CONSULTING	1,020.50
PUBLIC WORKS	BDM CONSULTING ENGIN	TOP OF BLOCK VERIFICATIO	550.00
PUBLIC WORKS	BDM CONSULTING ENGIN	XCEL ENERGY	74.00
PUBLIC WORKS	GRAPHIC DESIGN	STREET OPENING PERMITS	71.36
PUBLIC WORKS	PINE BEND PAVING, IN	HOT MIX	201.73
PUBLIC WORKS	RADKE ELECTRIC	STREET LIGHT REPAIR	125.00
PUBLIC WORKS	ROAD SURFACING TECHN	LIQUID ROAD INSTALLATION	11,186.00
PUBLIC WORKS	WALMART COMMUNITY BR	COFFEEMATE/TP/SUGAR/SOAP	64.18
PUBLIC WORKS	ZARNOTH BRUSH WORKS,	BROOMS	220.99
	Total for Department 300		14,035.76*

CITY OF HASTINGS
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	ELECTRO WATCHMAN, IN	QUARTERLY CHARGE ALARM M	57.51
	Total for Department 401		57.51*
	Total for Fund 101		59,524.96*
PARKS AND RECREATION	BERRY COFFEE	COFFEE	36.00
PARKS AND RECREATION	IOS CAPITAL	QUARTERLY MAINT CHG	517.59
PARKS AND RECREATION	PSC SUPPLY	BAGS/GLOVES/WIPES	1,003.66
PARKS AND RECREATION	TERRY'S ACE HARDWARE	BRUSH - PATCH CEMENT	12.23
PARKS AND RECREATION	TERRY'S ACE HARDWARE	CHAIN	20.55
PARKS AND RECREATION	TERRY'S ACE HARDWARE	CONCRETE MIX	12.74
PARKS AND RECREATION	TERRY'S ACE HARDWARE	FASTENERS	1.43
PARKS AND RECREATION	TERRY'S ACE HARDWARE	HOSE	8.13
PARKS AND RECREATION	TERRY'S ACE HARDWARE	LIGHT BULBS	15.95
PARKS AND RECREATION	TERRY'S ACE HARDWARE	PIPE FITTINGS	55.25
PARKS AND RECREATION	TOWER CLEANING SYSTE	JULY CLEANING SERVICE	500.55
	Total for Department 401		2,184.08*
	Total for Fund 200		2,184.08*
PARKS AND RECREATION	PERRY, CAROLYN	SWIM LESSON REFUND CODY	33.00
PARKS AND RECREATION	LINDEMAN, PAT	SWIM LESSON REFUND ROMAN	33.00
PARKS AND RECREATION	LARSON, SHANNON	SWIM LESSON REFUND ALISE	27.50
PARKS AND RECREATION	TENNESESN, KARI	SWIM LESSON REFUND DYLAN	27.50
PARKS AND RECREATION	SANDQUIST, JEANA	SWIM LESSON REFUND JACOB	27.50
PARKS AND RECREATION	MIKEL, LORI	SWIM LESSON REFUND KEITH	33.00
PARKS AND RECREATION	FRASCHT, RICK	SWIM LESSON REFUND TY	33.00
PARKS AND RECREATION	FEIDT, KATHY	SWIM LESSON REFUND MEGAN	33.00
PARKS AND RECREATION	DEHNKE, LAURA	SWIM LESSON REFUND DAKOT	33.00
PARKS AND RECREATION	CROSS, GINA	SWIM LESSON REFUND CAMER	33.00
PARKS AND RECREATION	BECKER, TAMMY	SWIM LESSON REFUND JAMIE	33.00
PARKS AND RECREATION	AQUA LOGIC, INC.	CHEMICALS	905.78
PARKS AND RECREATION	AQUA LOGIC, INC.	CREDIT FOR CARBOY RETURN	-90.00
PARKS AND RECREATION	BOUND TREE/NORTH AME	NITRILE GLOVES	195.35
PARKS AND RECREATION	WALMART COMMUNITY BR	CLEANING SUPPLIES	193.18
PARKS AND RECREATION	WALMART COMMUNITY BR	CONCESSION SUPPLIES	84.58
PARKS AND RECREATION	WALMART COMMUNITY BR	GENERAL SUPPLIES	13.49
PARKS AND RECREATION	WALMART COMMUNITY BR	REC SUPPLIES	13.75
	Total for Department 401		1,662.63*
	Total for Fund 201		1,662.63*
HERITAGE PRESERVATIO	IOS CAPITAL	QUARTERLY MAINT CHG	522.67
	Total for Department 170		522.67*
	Total for Fund 210		522.67*
FIRE	AMOCO OIL CO	FUEL	28.28
FIRE	BUMPER TO BUMPER	CLEANING SUPPLIES	96.82
FIRE	C & H DISTRIBUTORS L	VINYL DISPATCH CHAIR	204.91

CITY OF HASTINGS

FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
FIRE	GRAY AUTO ELECTRIC	REPAIRS 1483	839.14
FIRE	IOS CAPITAL	QUARTERLY MAINT CHG	541.49
FIRE	MIDTOWN FOOD CENTER	COFFEE	70.90
FIRE	MOTOR PARTS SERVICE	HALOGEN LIGHTS	25.54
FIRE	MOTOR PARTS SERVICE	SW BUTTON	14.88
FIRE	NEXTEL COMMUNICATION	CELL PHONE CHARGES	78.36
FIRE	RIVERLAND COMMUNITY	PUB SAF EXEC DEV PROGRAM	206.00
FIRE	TARGET	CLEANING SUPPLIES	81.38
FIRE	TERRY'S ACE HARDWARE	MISC PARTS	35.79
FIRE	TERRY'S ACE HARDWARE	SHIPPING SERVICE	29.76
FIRE	TERRY'S ACE HARDWARE	TAPE MEASURE	10.64
	Total for Department 210		2,263.89*
AMBULANCE	HORRMAN, DORA	OVERPMT AMB CAL 20030712	55.87
AMBULANCE	EMERGENCY MEDICAL PR	AMB SUPPLIES	100.07
AMBULANCE	MEDICA	OVERPMT ANSELMMENT CALL 2	589.12
AMBULANCE	MOORE MEDICAL CORP.	AMBULANCE SUPPLIES	107.64
AMBULANCE	MOTOR PARTS SERVICE	FILTERS	21.94
AMBULANCE	MOTOR PARTS SERVICE	FITLERS	6.40
AMBULANCE	PRAXAIR DISTRIBUTION	MEDICAL OXYGEN	297.60
	Total for Department 220		1,178.64*
	Total for Fund 213		3,442.53*
HOUSING AND REDEVELO S & T OFFICE	PRODUCT FLOOR EASEL		196.30
	Total for Department 500		196.30*
	Total for Fund 404		196.30*
PUBLIC WORKS	BDM CONSULTING ENGIN	2002-9 SW POND BASIN	3,330.00
PUBLIC WORKS	SEH ENGINEERS	HWY 55 & GS DR SIGNAL	633.69
	Total for Department 300		3,963.69*
	Total for Fund 492		3,963.69*
PUBLIC WORKS	LHB ENGINEERS & ARCH	GS DRIVE BRIDGE PIER RED	677.59
PUBLIC WORKS	MN POLLUTION CONTROL	RSO GENERAL STORM WATER	400.00
PUBLIC WORKS	SEH ENGINEERS	10TH & HWY 61	1,032.06
	Total for Department 300		2,109.65*
	Total for Fund 493		2,109.65*
PUBLIC WORKS	LARSON, BRAD & ROSE	REFUND OVERPMT 1177 TEAL	77.35
PUBLIC WORKS	LARSON, COLLEEN	REFUND OVERPMT 1908 EDDY	153.37
PUBLIC WORKS	HORTON, D R	REFUND OVERPMT 1446 RIVE	30.98
PUBLIC WORKS	BOISE CASCADE OFFICE	PAPER	84.99
PUBLIC WORKS	DPC INDUSTRIES, INC.	HYDROFLUOR ACID	456.68
PUBLIC WORKS	IOS CAPITAL	QUARTERLY MAINT CHG	593.95
PUBLIC WORKS	SHERWIN-WILLIAMS	PAINT/TRAY	55.13
PUBLIC WORKS	U.S. POSTMASTER	7/31 CYCLE 1 BILLING	590.17

CITY OF HASTINGS
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 300	2,042.62*
		Total for Fund 600	2,042.62*
CITY CLERK	HASTINGS TIRE & AUTO	T-4 CHG TIRE/VALVE STEM/	252.61
CITY CLERK	HASTINGS BUS CO	JUNE 30 TRAC COVERAGE	25.00
CITY CLERK	MOTOR PARTS SERVICE	AUTO LAMP - T-1 & T-4 PA	9.09
CITY CLERK	MOTOR PARTS SERVICE	STOCK T-1 & T-4	32.72
CITY CLERK	MOTOR PARTS SERVICE	T-1 PARTS & REPAIR	11.30
		Total for Department 107	330.72*
		Total for Fund 610	330.72*
PARKS AND RECREATION	SHERWIN-WILLIAMS	BLEACHER SEALER/BRUSHES	239.43
PARKS AND RECREATION	TROPHIES PLUS	REPLACE BROKEN CRYSTAL	1,674.91
PARKS AND RECREATION	UPS STORE, THE	SHIP FUEL MAKER/ COLORAD	604.00
PARKS AND RECREATION	WALMART COMMUNITY BR	DEHUMIDIFIER/EXT CORDS	372.58
		Total for Department 401	2,890.92*
		Total for Fund 615	2,890.92*
PUBLIC WORKS	COUNTRY INN & SUITES	REPLACE CK 11285 ALTENDO	216.24
		Total for Department 300	216.24*
		Total for Fund 620	216.24*
PUBLIC WORKS	THREE RIVERS MOBILE	RETURN OF ESCROW	3,852.20
PUBLIC WORKS	BDM CONSULTING ENGIN	3 RIVERS MHP	74.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENTURY SOUTH	666.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENTURY SOUTH 2ND	74.00
PUBLIC WORKS	BDM CONSULTING ENGIN	HIDDEN LANE	37.00
PUBLIC WORKS	BDM CONSULTING ENGIN	MARKETPLACE WEST	393.00
PUBLIC WORKS	BDM CONSULTING ENGIN	PLEASANT ACRES	111.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RIVERDALE	333.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RIVERWOOD	1,049.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SCHOOL HOUSE SQUARE	177.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SIEBEN'S CREST	222.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SOUTH OAKS CONSTRUCTION	37.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SOUTH OAKS PLAN REVIEW	625.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SOUTH PINES 4TH	2,866.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALLIN WEST	592.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALMART/DAKOTA SUMMIT	111.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WENDY'S	148.00
		Total for Department 300	11,367.20*
		Total for Fund 807	11,367.20*
		Grand Total	90,454.21*

CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 8-03-02

RESOLUTION APPROVING SAFE & SOBER GRANT AGREEMENT
FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004

WHEREAS, the City of Hastings has participated in the Safe & Sober campaign to reduce traffic accidents; and

WHEREAS, grant funds are available in agreement with the Minnesota Department of Public Safety, Office of Traffic Safety; and

WHEREAS, the City of Hastings wishes to continue to participate in the 2003/2004 Safe & Sober campaign.

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

That the Hastings Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled Safe & Sober Communities during the period from October 1, 2003 through September 30, 2004, and;

The Chief of the Hastings Police Department is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the City of Hastings and the Hastings Police Department, and;

Sergeant Bruce Johnson of the Dakota County Sheriff's Department is hereby authorized to be the fiscal agent and administer this grant on behalf of the City of Hastings and the Hastings Police Department.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 4th DAY OF AUGUST, 2003.

Ayes:
Nays:
Absent:

Michael Werner, Mayor

ATTEST:

Melanie Mesko Lee, City Clerk

(SEAL)

MEMORANDUM

TO: Mayor Werner and City of Hastings Councilmembers
FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk
DATE: August 4, 2003
RE: Massage Therapist License

Council Approval Requested:

Approval of a Massage Therapist License for Barbara Odman to operate as Barb's Therapeutic Massage, 213 Sibley Street, #104.

Background Information:

Barb Odman has made application for a massage therapist license, to be operated out of 213 Sibley Street, #104. 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 08___-03

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HASTINGS
APPROVING MASSAGE LICENSE FOR
BARBARA OSMAN**

WHEREAS, Barbara Odman has made application for a massage therapy license ;
and

WHEREAS, Ms. Odman proposes to work as Barb's Therapeutic Massage, located
at 213 Sibley Street, #104, Hastings; and

WHEREAS, Ms. Odman is currently having the required background investigation
conducted.

**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
Barbara Odman to operate as a licensed massage therapist for the period of August 5—
December 31, 2003, upon successful inspection by the Fire Marshal and payment of all
applicable fees, unless revoked by the City Council.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 4th DAY OF
AUGUST, 2003.**

Ayes:
Nays:
Absent:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

MEMORANDUM

To: Mayor Werner and City Councilmembers
From: Melanie Mesko, Lee Administrative Assistant/City Clerk
Date: August 4, 2003
Re: Application for Gambling Premises Permit—Regina Medical Center, 1175
Nininger Road

Recommended City Council Action:

Approve the attached Resolution, authorizing the Regina Medical Center to conduct a raffle, bingo, and pull-tabs on October 26, 2003, contingent upon \$10 application fee being paid.

Background:

Application has been received from the Regina Medical Center to conduct bingo and a raffle for their organization on October 26, 2003 at the Regina Medical Center, located at 1175 Nininger Road in Hastings.

The raffle's total value of prizes is estimated not to exceed \$12,000. The Council has approved a license for this establishment each of the last several years.

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 bingo, raffle and pull-tabs.

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

Attachment:

1. Resolution- Approving the application for a one-day gambling permit for the Regina Medical Center at 1175 Nininger Road
2. Application materials are on file

RESOLUTION NO. 08-____-03
EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF HASTINGS, MINNESOTA

HELD: AUGUST 4, 2003

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 4th of August, 2003, at 7:00 o'clock p.m. for the purpose in part of authorizing Resolution No. 08-____-03, authorizing the Regina Medical Center to conduct a raffle on October 26th, 2003 at Regina Medical Center, 1175 Nininger Road.

The following Councilmembers were present:

and the following Councilmembers were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 08- -03
RESOLUTION APPROVING THE APPLICATION
FOR A ONE-DAY GAMBLING PERMIT FOR THE
REGINA MEDICAL CENTER

WHEREAS, the Regina Medical Center has presented an application to the City of Hastings to conduct gambling on October 26th, 2003 at the Regina Medical Center, 1175 Nininger Road in Hastings; and

WHEREAS, the Minnesota Lawful Gambling Board requires a Resolution by the local unit of government be passed approving the application; and

WHEREAS, the application for Exemption from lawful Gambling 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 approval of this application for an Exemption from Lawful Gambling 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)

CITY OF HASTINGS

RESOLUTION NO. 08-__-03

Resolved that City of Hastings (TRAC) enter into an Agreement with the State of Minnesota to provide public transportation service in the City of Hastings.

Further Resolved that City of Hastings (TRAC) agrees to provide a local share of 20 percent of the total operating cost and 20% of the total capital costs.

Further Resolved that City of Hastings (TRAC) authorizes the Administrative Assistant/City Clerk and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

Approved by the City Council of the City of Hastings, this 4th day of August, 2003.

Ayes:
Nays:
Absent:

Michael Werner, Mayor

Melanie Mesko Lee, Administrative Assistant/City Clerk

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the City of Hastings at a duly authorized meeting thereof held on the 4th day of August, 2003 as shown by the minutes of said meeting in my possession.

Melanie Mesko Lee
Administrative Assistant/City Clerk

Notary: _____

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: August 4, 2003

Subject: Order Public Hearing\1st Reading –Zoning Ordinance Amendment #2003-46 – Amend Section 10.13 – 10.17 – Neighborhood Commercial Uses in the R-2 – R-6 Zoning Districts.

REQUEST

The City Council is asked to consider first reading and order a public hearing to adopt the attached amendment to Chapter 10.13 – 10.17 of the City Code relating to Neighborhood Commercial Uses in the R-2 – R-6 Zoning Districts. The intent of the change is to adopt more detailed criteria to evaluate the appropriateness of neighborhood commercial uses in residential areas. The existing ordinance allows neighborhood commercial uses by Special Use Permit and Site Plan Review.

Upon approval of first reading, the public hearing and second reading would be considered at August 18, 2003 meeting.

RECOMMENDATION

The Planning Commission recommended unanimous approval of the change at the July 28, 2003 meeting with limited discussion.

ATTACHMENTS

- Proposed Ordinance Amendment

HISTORY

Planning Commission Review

The Planning Commission held a public hearing at the June 23, 2003 meeting to review an ordinance amendment relating to photography studios in residential districts. The Commission tabled consideration of the amendment and directed staff to prepare draft language modifying the Neighborhood Commercial provisions.

Photography Studios

In 1986, the City Council approved a zoning ordinance amendment to allow photographic studios as a permitted use in the R-3 Zoning District. The change was requested by Mac McGoon for his home\studio at 1100 Westview Drive. In 1995 the City Council approved a major revision to the zoning code which did not include the language allowing photographic studios in the R-3 District. Mac McGoon Studios has since asked for clarification on this issue

The Planning Committee of the City Council reviewed the request to add language on May 30, 2003, and directed staff to hold a public hearing, and consider an amendment to allow photographic studios in residential districts as a Special Use Permit.

DRAFT 2
CITY COUNCIL 1ST READING
AUGUST 4, 2003

ORDINANCE NO. _____, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER
10, SECTION 10.13 – 10.17 OF THE HASTINGS CITY CODE PERTAINING TO:**

NEIGHBORHOOD COMMERCIAL USES

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

Chapter 10 of the Hastings City code is amended as follows:

SECTION 10.13. R-2 - MEDIUM DENSITY RESIDENCE.

SUBD. 3. USES BY SPECIAL PERMIT.

b) Neighborhood Commercial subject to the site plan requirements of Section 10.27, and the following provisions:

- (1) Any business related activity occurring on the premises shall not cause any adverse changes to the residential character of the neighborhood.
- (2) Adherence to the minimum parking standards of Section 10.09.
- (3) The operation of any retail business, unless it is conducted entirely by mail, is prohibited. On-site sales shall be limited to those clearly incidental to services provided in the dwelling.
- (4) Operation of any business shall be in conformance to the residential character of the neighborhood.
- (5) Location of the property shall be considered. Properties not fronting on a major roadway or adjacent to a commercial zoning district may be unsuitable for operation of a neighborhood commercial uses.
- (6) Any exterior changes necessary to conduct the business shall be sufficiently screened, properly designed, or separated by distance so as to be consistent with existing adjacent residential uses and compatible with the residential nature of the neighborhood.

- (7) Shipment and delivery of products, merchandise, or supplies shall be limited to between 7:00 a.m. and 6:00 p.m. and shall occur only in single rear axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
- (8) Any interior changes necessary to conduct the business shall comply with all building, electrical, mechanical, and fire codes governing the use in a residential occupancy.
- (9) Signage may consist of not more than one single faced unlighted wall sign per home with a maximum area of two square feet.
- (10) The conduct of the business shall not generate noise, glare, vibrations, fumes, odors, or electrical interference detectable to normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television.
- (11) No traffic shall be generated by such business in greater volumes than would normally be expected in a residential neighborhood. The home occupation shall not increase parking requirements by more than four additional parking spaces at any given time in addition to the parking spaces required by the occupants. Any need for parking generated by the conduct of the home occupation shall be met off of the street.
- (12) No business shall be allowed which jeopardizes the health and safety of city residents.
- (13) The Fire Marshal may conduct a fire safety inspection of the space proposed to be used for the home occupation. Occupancy shall meet all applicable fire codes prior to opening for business as well as thereafter.

SECTION 10.14. R-3 – MEDIUM HIGH DENSITY RESIDENCE.

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Neighborhood Commercial subject to the ~~site-plan-review~~ requirements of ~~Section 40.27~~ Section 10.13, Subd. 3b

SECTION 10.16. R-5 – HIGH DENSITY RESIDENTIAL DISTRICT.

SUBD. 3. USES BY SPECIAL PERMIT.

- b) Neighborhood Commercial subject to the ~~site-plan-review~~ requirements of ~~Section 40.27~~ Section 10.13, Subd. 3b

SECTION 10.17. R-6 – MANUFACTURED HOME RESIDENCE.

SUBD. 3. USES BY SPECIAL PERMIT.

- a) Neighborhood Commercial subject to the ~~site-plan-review~~ requirements of ~~Section 40.27~~ Section 10.13, Subd. 3b

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

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

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

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

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

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

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: August 4, 2003
Subject: Approve Certificate of Correction to Plat – South Pines 4

REQUEST

The City Council is asked to approve the attached Land Surveyor's Certificate of Correction to the SOUTH PINES 4 Final Plat. Sheet 4 of the Final Plat exhibit incorrectly listed two distances relating to the southern terminus of Starling Drive, and the southeastern boundary of Outlot C.

The only change is to the numbering of the distances; the revised distances accurately scale to the original plat drawing. The correction does not move any property boundaries.

RECOMMENDATION

Approval is recommended

ATTACHMENTS

- Site Map
- Certificate of Correction

LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO PLAT

Name of Plat: SOUTH PINES 4

Pursuant to the provisions of Chapter 505.174, Laws of Minnesota, 1957, Alan K. Scofield, the undersigned, a Licensed Land Surveyor in and for the State of Minnesota, declares as follows:

That I prepared the plat of SOUTH PINES 4 dated September 12, 2002, and filed on December 31, 2002, in the office of the Registrar of Titles, Dakota County, Minnesota, as Document No. 485051.

That said plat contains errors, omissions, or defects in the following particulars, to-wit: On sheet 4 of 5 sheets of said plat, the distance shown at the southeasterly terminus of Starling Drive between the centerline of said Starling Drive and the southwesterly right of way line of said Starling Drive, shown as 26.76 feet, is incorrect. Also, on sheet 4 of 5 sheets of said plat, the distance along the southeasterly line of Outlot C, shown as 34.26 feet, is incorrect.

That said plat is hereby corrected in the following particulars, to-wit: The correct distance along the southeasterly terminus of Starling Drive between the centerline of said Starling Drive and the southwesterly right of way line of said Starling Drive is 30.74 feet. The correct distance along the southeasterly line of Outlot C is 30.28 feet.

Dated: July 22, 2003



Alan K. Scofield
Licensed Land Surveyor
License No. 15473
State of Minnesota

The above Certificate of Correction to the plat of SOUTH PINES 4, has been approved by the City Council of Hastings, Minnesota, at a regular meeting of the City Council of Hastings, Minnesota, held on the _____ day of _____, 2003.

By: _____
Mayor

By: _____
Clerk

This Certificate of Correction has been reviewed and approved this _____ day of _____, 2003.

By: _____
Fred M. Johnson
Dakota County Surveyor

MEMO

To: Mayor & Council

From: Marty McNamara

Subject: Wallin Park

Date: July 31, 2004



The City of Hastings budgeted \$100,000 for the construction of an outdoor hockey rink for Wallin Park in 2004. Spiral Fence was awarded a contract to construct the rink for \$61,700 at your council meeting on July 21, 2004. Staff would like permission to use approximately \$15,000 from the remaining budgeted amount to ag-lime the two ballfields at Wallin Park. The material that will be removed from the infields to accommodate the ag-lime will be utilized as fill for the walkway to the Veterans Memorial at Roadside Park. After the fill is installed a concrete walkway will be completed to the monument.

COUNCIL ACTION REQUESTED

Allow staff to utilize \$15,000 to ag-lime to ball fields at Wallin Park. The \$15,000 would come from the remaining amount of money that was budgeted for the hockey rink. The walkway and the ag-lime infields will be completed this fall.

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: July 28, 2003
Re: Dakota County 2004 to 2008 Transportation CIP Request

Council is requested to adopt the enclosed resolution requesting that Dakota County include an alignment study to determine a corridor for a realignment of CSAH 47 to align with a Hwy 316 bypass on the south end of Hastings as part of the County's 2004 to 2008 Transportation CIP. As part of the study, Dakota County would be asked to form a partnership with the City of Hastings, Marshan Township, MnDOT, the Metropolitan Council, and area property owners and take the lead in initiating an alignment study in 2004.



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION REQUESTING CSAH 47 REALIGNMENT AND HWY 316
BYPASS ALIGNMENT STUDY TO BE INCLUDED IN THE
DAKOTA COUNTY 2004-2008 TRANSPORTATION CIP**

WHEREAS, Dakota County has asked cities and townships to request projects for inclusion in the Dakota County 2004 to 2008 Transportation CIP; and

WHEREAS, an alignment study to determine a corridor for a realignment of CSAH 47 to align with a Hwy 316 bypass on the south end of Hastings roughly following 170th St. is important to the City of Hastings as a necessary step towards preserving the right of way for a future road improvement and ultimate construction of the new roadways.

WHEREAS, Dakota County is requested to form a partnership with the City of Hastings, Marshan Township, MnDOT, the Metropolitan Council, and area property owners and take the lead in initiating an alignment study in 2004.

WHEREAS, the City of Hastings intends to participate in costs associated with the proposed alignment study in accordance with applicable county cost sharing policies and/or negotiated cost sharing agreements.

NOW, THEREFORE BE IT RESOLVED, the City of Hastings hereby requests that the CSAH 47 alignment study be included in the Dakota County 2004 to 2008 Transportation CIP in 2004.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 4th
DAY OF AUGUST, 2003.**

Ayes:

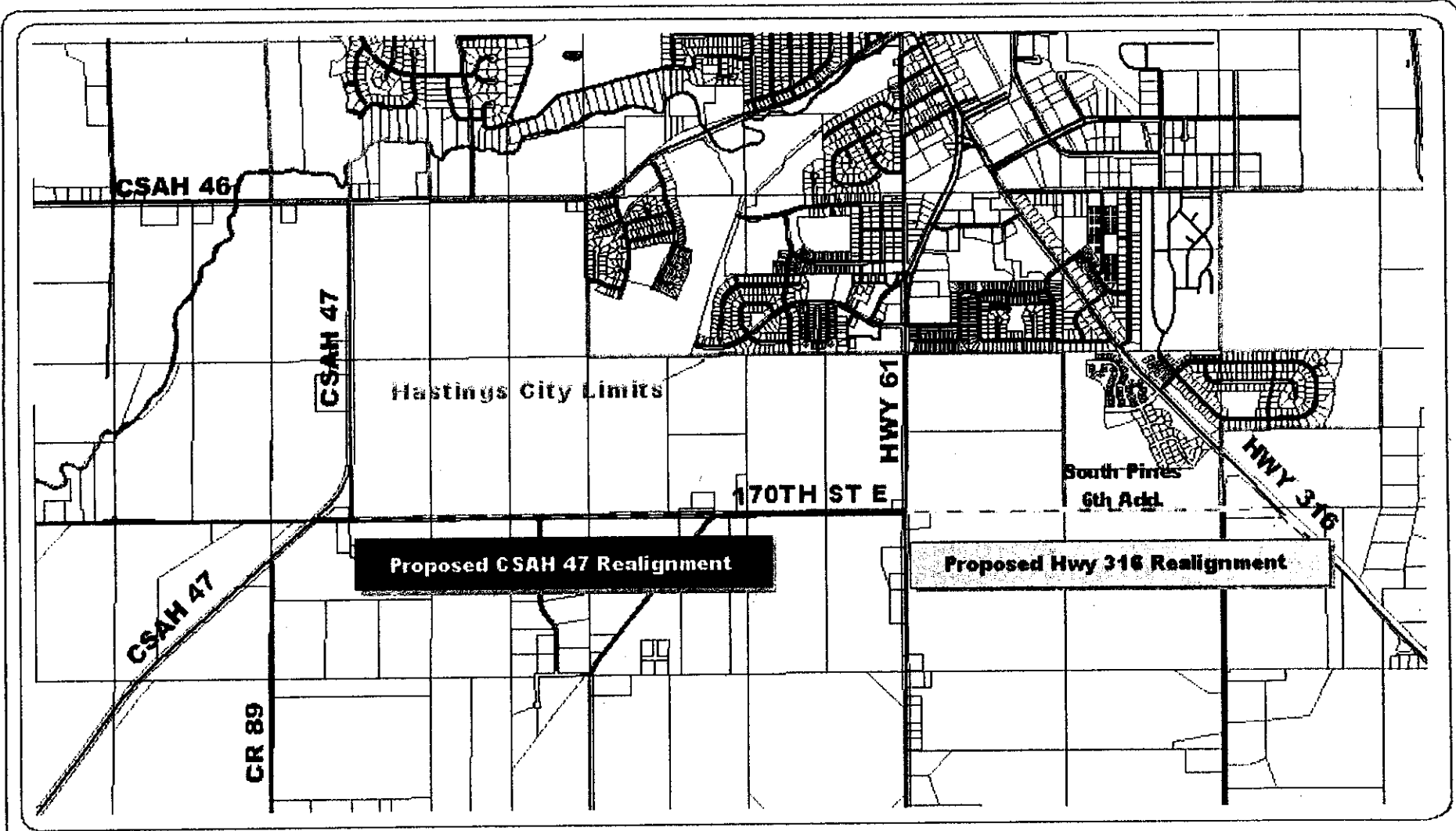
Nays:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee, City Clerk

(Seal)



Proposed CSAH 47 Realignment

Requested Corridor Study
 Requested to be Included in Transportation Comprehensive Plan



May 2003



Dakota County Transportation Department
Western Service Center • 14955 Galaxie Avenue • Apple Valley, MN 55124
952.891.7100 • Fax 952.891.7127 • www.co.dakota.mn.us

DATE: July 16, 2003

TO: Dakota County City Public Works Directors/Engineers
Dakota County Township Clerks

FROM: Mark Krebsbach, Transportation Director/County Engineer

SUBJECT: Transportation Department Responses to City/Township Comments on the
Dakota County 2004-2008 CIP

This spring staff began work on the 2004-2008 County Capital Improvement Program (CIP). Your city/township was mailed a copy of the 2003-2007 CIP with a request for comments and proposals for additional projects to be included in the 2004-2008 CIP. We have received your requests and met with many cities and townships to develop a draft CIP. Unfortunately, funding constraints have not allowed all projects to be included as requested.

Attached is a copy of the Transportation Department's *draft* responses to your 2004-2008 CIP requests. The County Administrator and the County Board have not reviewed these comments. The County Administrator will review these comments this month and the County Board in September.

Dakota County requests a resolution from the city/township supporting their 2004-2008 CIP requests by August 29, 2003. A sample resolution is attached. If the draft CIP does not fully address all of your project requests, you may want to add an additional "NOW, THEREFORE, be it further resolved, that the City/Township of _____ hereby requests the following projects be considered for possible inclusion in the future Transportation CIPs" and list any projects that are currently not included in the draft 2004-2008 CIP.

If you have questions or need explanation on some portion of the proposed CIP, please call Holly Anderson at 952.891.7090 or e-mail holly.anderson@co.dakota.mn.us. Thank you for your assistance with development of this Transportation CIP.

Attachments

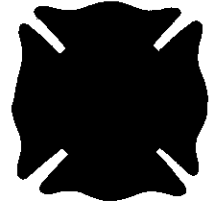
Dakota County CIP Process 2004-2008

Requests From Cities and Townships

City/Twp	Request	County's <i>DRAFT</i> Response
<p>Hastings Tom Montgomery Dave Gurney</p>	<p>Roadway</p> <p>Signal</p> <p>Trail</p> <p>Studies/Miscellaneous CSAH 47, Study to realign CSAH 47 (170th Street alignment) to connect to TH 61</p>	<p>Roadway</p> <p>Signal</p> <p>Trail</p> <p>Studies/Miscellaneous The County will work with the City, Township, MnDOT, and property owners to develop a partnership for studying the potential of a new alignment.</p>



HASTINGS FIRE DEPARTMENT



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

Business Office (651) 480-6150
Fax (651) 480-6170

TO: Mayer Werner and City Council Members

FROM: Mark J. Holmes, Fire Chief *[Signature]*





DATE: July 31, 2003

SUBJECT: Authorization to Receive Bids

The 2003 Fire Department budget included an approved CIP request for the purchase of self-contained breathing apparatus. Funding for this replacement was to come from the Fire Department's ERF fund. After completion of the 2003 budget process, we received notification of a Federal Fire Act Grant approval. The Grant amount is for \$168,000.00 with a required 10% City match.

Although it is assumed that the Grant award and City match will cover this project, additional costs, if necessary, could be funded from the Fire Department's ERF fund.

Replacement of existing self-contained breathing apparatus is necessary at this time due to the following concerns:

-  All existing cylinders will exceed the acceptable life cycles as of January 1, 2004 (15 years).
-  Existing air delivery regulators do not meet applicable standards.
-  Existing units do not allow for required shared air sources (buddy breathing).
-  Manufacturer will no longer support unit upgrades.

Requested Action: Authorize request for bids for the replacement and procurement of 46 self-contained breathing apparatus, 46 spare cylinders, equipment necessary for six (6) supplied air respirators and miscellaneous accessories.

If you have any questions, please feel free to contact me anytime at 651-775-5545. I will be available at the City Council meeting on Monday, August 4, 2003, to answer any questions.

SELF-CONTAINED BREATHING APPARATUS
SPECIFICATIONS FOR SELF-CONTAINED BREATHING
APPARATUS

HASTINGS FIRE DEPARTMENT

INTENT

It is the intent of these specifications to clearly describe the furnishing and delivery to the Hastings Fire Department, all apparatus, and equipment as specified:

46 self-contained breathing apparatus with
cylinders
46 – 45 minute air cylinders (spares)
Supplied air respirator equipment
Miscellaneous SCBA and SAR equipment

The primary objective is to obtain the most acceptable equipment for service in the Hastings Fire Department. These specifications cover specific requirements as to the performance, type of construction, and standards the equipment must meet for consideration.

BID OPENING

0900 hours CST

September 4, 2003

AWARD OF BID

1900 hours CST

September 15, 2003

GENERAL REQUIREMENTS

Each sealed bid must be accompanied by bidders accurate written and detailed specifications covering the apparatus and equipment, which it is proposing to furnish and to which the apparatus and equipment furnished under the contract must conform. The design and performance must meet or exceed all relevant testing and certification requirements, which establish industry standards. Special consideration shall be given to the ease of field service and repair of all apparatus and equipment and the availability of authorized service centers for off-site needs.

Each bidder shall furnish satisfactory evidence of their ability to design, engineer and construct all apparatus and equipment specified and shall state the location of the factories producing the same. Bids shall be accompanied by a statement of position to render prompt and proper service and to furnish replacement parts for all apparatus and equipment in a timely manner.

The successful bidder shall provide at the time of bid opening, two field service and repair manuals for consideration prior to award of bid.

Bids will be addressed and submitted to:

City of Hastings
101 E. 4th Street
Hastings, MN 55033

The words "Fire Department SCBA Equipment Bid", the date and bid opening time shall be stated on the front of the bid envelope.

It shall be the responsibility of the bidder that their proposal arrives at Hasting City Hall by the time indicated. Late proposals, telegrams, facsimile or telephone bids will not be accepted.

All bidders are required to detail the payment terms for all apparatus and equipment on the bidders proposal page.

EXCEPTIONS

The following apparatus and equipment specifications are considered minimum design, performance and construction standards against which determination will be made as to compliance with the intent of these specifications. Any proposals being submitted without full compliance with these specifications shall so state on the bid proposal page, followed by a detailed "Letter of Exceptions" listing the areas of non-compliance. The reference must include page number, paragraph and the exact nature of the exception.

The City of Hastings may add the statement "No Exception" to a component or design feature in these specifications. In the interest of the user safety, ease of repair, compatibility with mutual aid departments, and conformity with existing equipment, no exceptions will be taken for these items. The City of Hastings reserves the right to reject any or all bid proposals and purchase the equipment it deems most suitable to its' needs. The City of Hastings does not, in anyway, obligate itself by this advertisement for bids to accept any proposal.

STATEMENT OF WARRANTIES

The length, content, and fullness of warranties shall be a consideration for the purpose of bid award. A signed statement of warranties for all equipment, apparatus, and parts shall be included with the bid proposal. When labor for repairs and replacement of parts differ in length of warranty, the signed statement shall explain

the difference.

DEMONSTRATOR

Upon request of the Hastings Fire Department and delivered within 24 hours, bidders shall make available one example of each item proposed for the purpose of determining bid conformity. Any and all transport costs shall be at the expense of the bidder.

DELIVERY

The bidder shall state the time required for delivery of all equipment and apparatus on the proposal page. All equipment and apparatus shall be delivered to the Hastings Fire Department with no additional costs. The City of Hastings desires all equipment bid to be delivered within 90 days of award of bid.

PROPOSALS

Each bid must give the full business address of the manufacturer. Bids by a corporation must be authorized and signed.

Bidder must specify delivery date for all items bid.

Each bidder shall be prepared, if so requested, by the City of Hastings, to present evidence of past customer satisfaction in regards to the equipment bid.

AWARD OF CONTRACT

The contract will be awarded, as soon as possible to the most "responsible bidder," provided their bid is reasonable and in the best interest of the City of Hastings. The City of Hastings reserves the right to waive any formality in bids received once such waiver is in the City of Hastings and, also, to accept any item in the bid found to be of superior quality or otherwise preferred by the City of Hastings.

The conformity and responsibility of bidders along with content of proposal specifications and accuracy/quality of proposal will be considered in making the award.

Prior to award, the manufacturer or authorized representative will meet with the Fire Chief at the Hastings Fire Department to personally discuss all facets of these specifications to ensure a complete and satisfactory understanding of the specifications and bidders proposal exists.

FORM NUMBER 100

City of Hastings Form Number 100 must be completed and included with all proposals.

Apparatus and Equipment to Be Bid As a Hole.

QUANTITY

ITEM

46 each	4500 PSI 45-minute Self-contained breathing apparatus complete with cylinders
46 each	Spare 4500 PSI 45-minute spare cylinders
8 each	Self-contained breathing apparatus carrying cases
12 each	Mask mounted voice amplifiers
46 each	Shoulder strap mask storage attachments.
12 each	Spectacles
2 each	Rapid intervention team kits
6 each	Hip mounted escape pack with 15-minute cylinders and face piece
50 each	Portacount fit tests
16 each	50 feet supplied air respirator hose sections without fittings.

1-1 PURPOSE

To establish minimum standards for open-circuit self-contained breathing apparatus (SCBA).

1-2 TYPE

The open-circuit self-contained breathing apparatus covered by this specification shall be of the type using compressed air.

1-3 APPROVALS

A. The apparatus shall be certified by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations for 45 minute rated service life and for storage at temperatures between -30°F and 160°F.

B. The apparatus shall be compliant with all performance requirements of the National Fire Protection Association's 2002 edition of NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services*.

C. All electronic components shall be certified as intrinsically safe per UL 913 for use in Classes I, II, III, Division 1, Groups A through G hazardous locations.

1-4. Facepiece

The facepiece shall:

A. Be constructed (in the rims, Air Klic, and nozzle cover) of a super-tough material that will withstand a 30-foot drop onto concrete without sustaining breakage. The nozzle cover shall have two openings through which the Heads-Up Display (HUD), mounted on the second stage regulator, may be easily viewed by the user.

B. Be available in silicone rubber in three color-coded sizes to fit various facial shapes and sizes. The facepiece shall have a mask skirt sealing area of not less than 1-1/2" in width.

- C. Contain a replaceable, non-shatter-type, polycarbonate, single-curve, conical-shaped lens located to provide a satisfactory field of vision. The lens shall be coated on the outside and inside surfaces to help prevent abrasion. The lens shall be secured in the facepiece by a durable plastic retainer. The lens shall have anti-fog appliqués installed on the exterior of each side of the flat surface at the bottom of the lens.
- D. Allow air to enter the facepiece in a manner that will reduce the possibility of moisture accumulation on the lens.
- E. A 5-strap mesh-style assembly shall be provided and shall be interchangeable with the silicone rubber headband. It shall be necessary to tighten the chinstraps and the temple straps to secure the Headnet to the face. The top strap shall be stationary. All straps for both the silicone headband assembly and the Headnet shall be attached to the rim of the facepiece, rather than the silicone skirt, to reduce distortion of the sealing surface when tightened.
- F. Contain an easily removable exhalation module, which employs a natural rubber exhalation valve designed for easy cleaning.
- G. Utilize a Kapton® material-speaking diaphragm, which is retained by the facepiece nozzle and is easily removable for cleaning and maintenance.
- H. Have field-replaceable components throughout.
- I. Employ a factory-installed, removable nose cup for use below 32° F. The nose cup shall be able to be removed and re-installed without special tools. The nose cup shall be available in three sizes.
- J. Have provision for mounting corrective lenses inside the facepiece. The corrective lens kit shall not require tools for installation.
- K. Have a removable adapter (Air Klic), onto which the second stage regulator attaches, which has an opening that is small enough to be easily covered by one hand for a negative pressure fit check.
- L. Have the capability of accepting a voice amplification device.

1-5. Regulator System, Intermediate Pressure Hose, and Rapid Intervention Connection (RIC) Universal Air Connection (UAC)

The regulator system shall be designed to operate in two independent stages. The first stage reducer shall be mounted directly on the cylinder valve. There shall be no hoses or links carrying high pressure except for the hose joining the first stage regulator and the transducer module, or the optional pressure gauge line. The second stage shall be designed to provide positive pressure during an NFPA breathing machine test at 70 psi inlet pressure.

A. The first stage regulator shall:

1. Contain an over pressurization relief valve designed to vent relief pressure to the atmosphere should failure of the regulator's primary elements occur.
2. Contain a pressure-reducing valve to reduce pressure from the cylinder to 90 – 140 psig. The reducing valve assembly shall be a balanced valve design and shall provide uniform flow performance throughout the full cylinder pressure range. This valve shall have a sintered metal inlet filter to retain particles of 120 microns or greater, shall be in an open position against the high-pressure inlet, and shall seat in the direction of airflow.
3. Be attached to a CGA handwheel with a threaded stainless steel core, color-coded to denote low or high-pressure systems. This handwheel shall secure the first stage regulator assembly to the cylinder valve.
4. Incorporate a Rapid Intervention Crew/Company Universal Air Connection (RIC UAC). The RIC UAC shall be an integral component of the forged body of the first stage regulator. The RIC UAC system shall consist of a male fitting, a dust plug, and a relief valve designed to vent excess pressure during filling operations. The relief valve shall be designed to activate at the correct pressure.
5. Incorporate a fill hose with a mating female fitting, which shall be a component of the UAC Rapid Intervention Kit.
6. Incorporate quick-disconnect fittings on the fill hose and the RIC UAC assembly, which shall be able to be coupled and uncoupled with pressure in the fill hose and with the SCBA activated. The RIC UAC system shall accomplish fully filling a 30-minute SCBA cylinder in approximately 45-60 seconds.

B. The second stage regulator shall:

- 1. Be constructed of a super-tough material that will withstand a 30-foot drop onto concrete without sustaining breakage. The upper portion of the regulator, including the shutoff button, shall be covered by a rubber boot for impact absorption.**
- 2. Be a "pilot valve" type. It shall contain a spring-biased diaphragm, responsive to respiration demand, to actuate a pilot valve, which, in turn, operates a flexible main valve to meet the user's flow demand during inhalation.**
- 3. Reduce pressure from 90 – 140 psi to .036 - .054 psi.**
- 4. Produce a static pressure in the facepiece of 1.0 to 1.5 inches of water.**
- 5. Contain a 40-mesh metal screen filter at the outlet port to prevent entrance of particles into the regulator.**
- 6. Contain a bypass valve that provides a separate flow path around the regulator primary demand valve. In the event of a failure or blockage of the primary, the bypass valve shall be operable by either of the user's gloved hands.**
- 7. Employ a two-point fastening system, which allows the regulator to be quickly mounted into the facepiece in any orientation by pushing and turning the regulator until the two fasteners attach to the facepiece adapter. The regulator shall remain secured to the facepiece should one of the fasteners inadvertently be released.**
- 8. Employ a first-breath-on feature, which allows the user to actuate regulator flow by inhaling after the regulator is secured to the mask.**
- 9. Contain a safety override button, which allows the wearer to manually start the regulator flow.**
- 10. Not obstruct the wearer's downward vision.**
- 11. Contain a manual shutoff button located directly in front of the top release button to prevent loss of air after removal from the mask.**

C. The second stage regulator intermediate pressure hose shall:

1. Be attached to the second stage regulator with a swivel connector.
2. Attach to the first stage regulator intermediate pressure hose by a swivel connector that has a limited swivel range of 90°.
3. Contain a metal screen inlet filter to retain particles of 120 microns or greater.

1-6. Primary Audible Alarm

The primary audible alarm shall be a warbling alarm.

A. The continuous warbling whistle alarm shall be mounted on the first stage regulator and shall be air-actuated, automatically operating when air pressure in the supply cylinder reaches approximately 25% of original full pressure. The alarm flute shall be downward facing, so as to prevent blockage. The alarm shall have a metal shroud to further prevent blockage. Both alarms shall work off intermediate pressure (the pressure after reduction by the first stage regulator) and shall have a discrete start, rather than a "ramping up" effect, with constant performance across the pressure range. They shall operate without interruption until the cylinder pressure reaches approximately 100 psig. The continuous whistle alarm shall be a continuous tone. The warbling whistle shall incorporate a "shuttling piston" to create a distinctive chirping effect through frequency variations, so that the alarm is easily differentiated from other sound in the user's proximity.

1-7. Heads-Up Display (HUD) and Secondary (Redundant) Alarm

The SCBA shall incorporate an electronic visual alarm system that informs the user of remaining cylinder pressure and acts as a redundant end-of-service-time indicator (EOSTI). The HUD shall:

A. Utilize a transducer module to sense cylinder pressure and generate an electronic signal to the HUD module. The transducer module shall be joined to the first stage via a high pressure, low volume hose. The first stage regulator shall incorporate a restrictor that limits leakage to a maximum of 15 liters per minute should the hose be severed.

1. The transducer module shall utilize a 2/3-A lithium battery to power the transducer and the HUD module. The battery compartment shall be easily accessible via a spring-loaded, slotted cap, which can be removed or secured by using a coin. The battery shall last a minimum of one year if the SCBA is used for 30 minutes a day. A picture of the correct battery orientation within the transducer module shall be molded into the exterior of the transducer module.

2. An amber LED shall be mounted on the transducer module to indicate battery status prior to activating the SCBA. The battery status indicator shall flash once every 10 seconds to indicate a "battery OK" mode, once every two seconds to indicate a low battery mode, and not at all to indicate a dead battery. When the low battery mode initiates, a minimum of 8 hours of battery life shall remain. The amber LED on the transducer module no longer shows battery status once the cylinder valve has been activated.

3. The transducer module shall be mounted on the cylinder band and shall incorporate an extension onto which a remote alarm module for the integrated PASS device may be installed.

B. Utilize an electronic cable, routed through a protective sleeve over the left shoulder strap, to join the transducer module to the HUD module.

C. Utilize a silicone extrusion to fully encapsulate the intermediate pressure hose and the electronic cable between the swivel connector at the PASS device (if so outfitted) and the second stage regulator. If a PASS device is not installed, the extrusion shall extend from a point just above the transducer module to the second stage regulator.

D. Incorporate a HUD module mounted to the second stage regulator. When docked in the Air Klic in the facepiece, the HUD module and second stage regulator shall align with the openings in the facepiece nozzle cover so that the user shall have an unobstructed view of the HUD while wearing the facepiece. The HUD module shall contain a "gas gauge"-style, wide-span LED display of pressure remaining. The HUD module shall:

1. Incorporate an amber LED to inform the user of a low battery condition. When the low battery mode initiates, signified by the flashing of the amber LED, a minimum of 8 hours of battery life shall remain.

2. Contain four green LED's. When the pressure in the cylinder is full and the cylinder valve is activated, all four green LED's shall be lit. All four shall be continuously lit until 75% of full pressure remains. At 75% pressure remaining, the fourth green LED shall no longer be lit; the remaining three green LED's shall be lit. All three shall be continuously lit until 52% of full pressure remains. At 52% of full pressure, the third and fourth green LED's shall no longer be lit; the remaining two green LED's shall be lit. At 50% pressure remaining, the second green LED shall flash for 20 seconds to indicate that the 50% level has been reached. After 20 seconds of flashing, the second green LED shall return to a continuous mode, and the two LED's shall be continuously lit until 27% of full pressure remains. At 27% pressure remaining, the second, third, and fourth green LED's shall no longer be lit; the remaining green LED shall be lit. At 25% pressure remaining, the remaining LED shall change color to red and shall commence flashing to indicate that the 25% level has been reached. This flashing red LED shall serve as the redundant EOSTI. The red LED shall flash continuously until 10% of full pressure remains. At 10% pressure remaining, the red LED shall commence flashing significantly faster to indicate that the 10% level has been reached. The red LED shall flash continuously until all the air in the cylinder has been consumed. At that point, all LED's shall flash simultaneously several times; then no LED's shall be lit.

3. Incorporate a red flashing LED on the front of the exterior of the module to inform other personnel within eyesight that the user has reached the 25% and 10% low air levels. The exterior LED shall flash significantly faster to indicate that the 10% level has been reached.

4. Utilize a photodiode on the top of the exterior of the module to brighten or dim the HUD pressure level LED's in relation to the ambient light level. In bright ambient light conditions, the LED's shall operate in the bright setting so that they can be easily seen. In low-light or no-light conditions, the LED's shall operate in the dim setting so that they are not distracting to the user.

5. Use photoluminescent labels to identify Full ("F"), "3/4", "1/2", "1/4", and the low battery icon.

1-8. Cylinder

A. The volume of the 45-minute cylinder shall be approximately 66 cubic feet when filled to 4500 psig pressure and shall conform to the DOT exemption numbers listed in section G below.

B. The cylinder shall be either an all-aluminum, fully wrapped, or hoop-wrapped design. Wrapped cylinders shall be constructed of a deep-drawn, seamless aluminum liner wound with high-strength fiberglass or carbon filaments impregnated with epoxy resin.

C. Cylinders less air and cylinder valves, shall not exceed the following weights:

1. 45-minute, carbon fully wrapped, 4500 psig: 8.6 lb (DOT-E-10915).

1-9. Cylinder Valve

A. The cylinder valve shall be fitted with a two-sided luminous boldface dial-type gauge with rubber and metal protective guards. The cylinder valve body shall be permanently coated to prevent galling and corrosion.

B. The cylinder valve shall have as an option a large rubber-coated handwheel with a safety locking collar device to keep the handwheel locked open during use.

C. The cylinder valve outlet shall conform to the Compressed Gas Association (CGA) standard for threaded connection.

1-10. Harness and Backpack

The backpack and harness assembly shall weigh approximately 4 pounds. No tools shall be necessary to replace any harness components. No adhesives shall be necessary to secure any replaceable components. The backpack harness shall be readily adjustable for various wearer sizes, and shall include the following components:

A. Harness straps of Kevlar®/Nomex® composite construction to provide maximum resistance to high temperatures, flame, and abrasion. The harness shall have a coating to prevent the straps from becoming limp. The shoulder straps shall have thick, Kevlar/Nomex-covered neoprene padding attached for user comfort and shall have snap-open hose loops for ease of maintenance. All harness straps shall secure to the backpack without fasteners.

B. A two-piece Kevlar/Nomex waist strap, adjustable from both sides, with a front-release metal automotive-style belt buckle. The waist strap shall be tightened by pull-forward-style straps.

C. A waist-strap-mounted holder for the second stage regulator so that the regulator may be kept actuated in a stand-by mode during use, and so that the regulator may be stored protected from the environment when not in use. The holder shall have a provision for relief of excess pressure when the regulator is actuated, and it shall have a vacuum breaker to prevent the regulator from being accidentally actuated upon removal from the holder.

D. A fiber-reinforced, flame-and-heat resistant polymer backplate contoured to the user's back. The backplate shall incorporate a friction pad in the tank band area to help keep the cylinder in the proper position.

E. A tubular stainless steel cylinder support and an adjustable Kevlar/Nomex cylinder band to properly secure various sizes of cylinders. The cylinder band shall be secured to the backpack with a cam-over style buckle that attaches to a spring-loaded catch.

F. A thick, Kevlar/Nomex-covered, neoprene-padded (4 inches minimum) lumbar support for user comfort and safety.

G. Fiber-reinforced, flame-and heat-resistant polymer hinged and padded "wings" to position the backpack comfortably and securely on the hips and to stabilize the backpack during movement.

H. A snap hook-style mask hanger situated on the right or left shoulder strap for attachment of the facepiece in a convenient, protected, stand-by position.

1-11. Buddy Breather and Auxiliary RIT Connection

A. The buddy breather shall utilize a two-step, push-pull, female quick-disconnect fitting shall be attached at the terminus of a separate intermediate pressure hose routed over the right shoulder strap. A separate male plug with a pressure shutoff shall be located adjacent to the female quick-disconnect fitting. The "buddy" shall attach his mating male fitting to the buddy breather female quick-disconnect fitting or his mating female fitting to the buddy breather male fitting in order for both users to share the remaining air supply in both cylinders.

B. An auxiliary connection utilizing the same two-step, push-pull, female quick-disconnect fitting used in the buddy breather described above shall be available at the bottom of the integrated PASS device housing. This can be used for conventional supplied air; for accepting a remote air supply from a Rapid Intervention Team; or, in conjunction with the buddy breather described above, for "daisy chaining" multiple users.

1-12. Carrying Case

Six (6) molded carrying cases shall be provided to retain the complete apparatus and instruction card or booklet. The carrying case shall have replaceable front latches.

1-13. Instruction Card or Booklet

An instruction card or booklet shall be provided with each apparatus. Instructions shall contain complete operation and maintenance procedures.

1-14. Warranty, Flow Test, and Overhaul Cycle

A. The apparatus shall carry a limited warranty of not less than twelve (12) years, with the exception of the cylinder, which shall carry a limited warranty of not less than fifteen (15) years, the first stage regulator, which shall carry a limited warranty of not less than the lifetime of the SCBA, and the HUD, which shall carry a limited warranty of not less than two (2) years. Other electronic accessories may carry limited warranties of different durations.

2-1 PURPOSE

To establish minimum standards for a primary Personnel Alert Safety System (PASS) device integrated into an SCBA.

2-2 APPROVALS

A. The primary PASS device shall be certified as an SCBA accessory by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations.

B. The primary PASS device shall be certified as compliant with all appropriate performance requirements of the National Fire Protection Association's 1997 edition of NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire the Fire Service*.

C. The primary PASS device shall be certified as compliant with all performance requirements of the National Fire Protection Association's 1998 edition of NFPA 1982, *Standard on Personal Alert Safety Systems (PASS)*.

D. The primary PASS device shall be certified as intrinsically safe meeting ANSI/UL, Standard 913, latest edition for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I Division I, Groups A, B, C, D, E, F, and G; Class II; and Class III Hazardous (Classified) Locations.

2-3. Configuration

A. The device shall be mounted on the left shoulder strap of the SCBA

B. The device shall be constructed of a material that will withstand a drop of 30 feet onto concrete without breakage.

C. The device shall be automatically activated upon the activation of the SCBA cylinder valve. The device's activation shall be by means of a pneumatic poppet valve pushing a mechanical switch. SCBA air shall not pass through the device.

D. The device shall be removable from the SCBA, allowing the SCBA to be used without the PASS device. However, the primary PASS device shall not be certified as a stand-alone PASS device.

E. The electronics compartment and battery compartment shall be watertight to a minimum depth of 1 meter.

F. The dimensions of the primary PASS device shall not exceed 3.0" X 5.0" X 3.0".

G. The weight of the primary PASS device (with battery) shall be no greater than 20.0 oz.

2-4. Visual Display

The device shall have two horizontal rows of high intensity LED's. One row of lights shall be green and the other red. Under normal operation (sensing mode), the green lights shall flash. In a pre-alarm condition (after 17-20 seconds of no motion) the green and red lights shall automatically flash in alternation. In full alarm mode (after 10 seconds of no motion during pre-alarm), only the red lights shall automatically flash. In low battery condition, the amber LED shall automatically flash (see Section VI).

2-5. Alarm

A. The device shall have two audible piezoelectric alarms mounted on the sides of the unit. The alarms shall emit two ascending tones when the device is activated and two descending tones when the device is deactivated. When the SCBA is pressurized, the primary PASS device shall not be able to be deactivated, but shall be able to be reset by pressing the red button two distinct times within two seconds. When the SCBA's air has been bled off, the primary PASS device shall be able to be deactivated by pressing the red button two distinct times within two seconds.

B. Pre-alarm signal

1. After 17-20 seconds of no motion, the pre-alarm shall automatically activate.
2. The pre-alarm shall be comprised of three ascending sound pressure levels from 80 dBA minimum to 100 dBA maximum.
3. The pre-alarm frequency range shall be 1000-2000 Hz.
4. Motion by the user during pre-alarm shall reset the device.

C. Alarm signal

1. The alarm shall have a sound pressure level of 95-105 dBA at 3 meters for the first four (4) hours in alarm mode and 95 dBA minimum at 3 meters after a minimum of one (1) hour in low battery condition. The frequency range shall be 1000-4000 Hz.

2-6. Battery

A. The primary PASS device shall utilize a 9-volt battery.

B. There shall be a separate battery compartment to prevent damage if the battery leaks. The battery compartment shall be accessible by removal of screws. The battery compartment shall be watertight to a minimum depth of 1 meter.

C. The device shall have an amber light and an audible alarm that shall warn the user of a low battery condition.

1. The audible alarm shall emit one beep every 15 seconds.

2. The visual alarm shall incorporate an amber LED which flashes two (2) times per second.

D. The battery life shall be a minimum of 100 hours in sensing mode and a minimum of four (4) hours in alarm mode before the low battery warning.

2-7. Instruction Card or Booklet

An instruction card or booklet shall be provided with each primary PASS device. Instructions shall contain complete installation (if purchased as a kit) and operation procedures.

2-8. Warranty

The primary PASS device shall carry a warranty of not less than three years.

2-9. Options

The primary PASS device shall have an optional remote back-mounted alarm available.

3-1 PURPOSE

To establish minimum standards for a Remote Alarm Module.

3-2 APPROVALS

A. The DualPASS shall be certified as an SCBA accessory by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations.

B. The DualPASS shall be certified as compliant with all appropriate performance requirements of the National Fire Protection Association's 1997 edition of NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire the Fire Service*.

C. The DualPASS shall be certified as intrinsically safe meeting ANSI/UL, Standard 913, latest edition for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, Division I, Groups A, B, C, D, E, F, and G; Class II; and Class III Hazardous (Classified) Locations.

3-3. Configuration

A. The device shall be mounted on the hose retainer block located on the left side of the backpack's tank band

B. The device shall be constructed of a material that will withstand a drop of 30 feet onto concrete without breakage.

C. The device shall not contain a motion sensor, but instead shall be activated by the primary integrated PASS device to which it is connected. SCBA air shall not flow through the device.

D. The electronics compartment shall be watertight to a minimum depth of 1 meter.

E. The device shall plug into a socket in the primary PASS device; the signal from the primary PASS device shall be sent through a rugged, flexible metal hose.

3-4. Display

The device shall have one row of three high intensity LED's. One of the LED's shall be green, one shall be red, and one shall be amber. In sensing mode and pre-alarm mode, only the green LED shall flash. In full alarm mode, only the red LED shall flash. In low battery condition, the amber LED shall flash (see section 3-6).

3-5. Alarm

A. The device shall have one audible piezoelectric alarm mounted on the front of the unit.

B. Alarm signal

1. The alarm shall have a sound pressure level of 95-105 dBA at three (3) meters for the first four (4) hours in alarm mode and 95 dBA minimum at three (3) meters after a minimum of one (1) hour in low battery condition. The signal shall alternate with the audible alarm from the primary PASS device.

2. The frequency range shall be 1000-4000 HZ

3-6. Battery

A. The DualPASS device shall utilize a 9-volt battery.

B. There shall be a separate battery compartment to prevent damage if the battery leaks. The battery compartment shall be accessible by removal of screws. The battery compartment shall be watertight to a minimum depth of 1 meter.

C. The device shall have an amber low battery light and an audible alarm that shall warn the user of a low battery condition.

1. The audible alarm shall emit one beep every 15 seconds.

2. The visual alarm shall incorporate an amber LED which flashes two (2) times per second.

D. The battery life shall be a minimum of 100 hours in sensing mode and a minimum of four (4) hours in alarm mode before the low battery warning.

3-7. Instruction Card or Booklet

An instruction card or booklet shall be provided with each DualPASS device. Instructions shall contain complete installation and operation procedures.

3-8. Warranty

The DualPASS device shall carry a warranty of not less than three years.

4-1 PURPOSE

To establish minimum standards for a RIT Kit.

4-2 TYPE

Open circuit RIT Kit breathing air cylinder with regulator carrying case and miscellaneous equipment as outlined.

4-3 APPROVALS

A. The apparatus shall be certified by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations for 45 minute rated service life and for storage at temperatures between -30°F and 160°F.

B. The apparatus shall be compliant with all performance requirements of the National Fire Protection Association's 2002 edition of NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services*.

C. All electronic components shall be certified as intrinsically safe per UL 913 for use in Classes I, II, III, Division 1, Groups A through G hazardous locations.

4-4. FACEPIECE

A. Must allow for the use of facepiece as outlined in Section 1-4.

4-5. REGULATOR SYSTEM, INTERMEDIATE PRESSURE HOSE, and RIC UAC

Must be compatible with and meet the requirements as outlined in Section 1-5.

4-6. CYLINDER

A. 60-minute carbon wrapped 4500 psig weighing less than 12 lbs. (DOT-E-10915).

B. Must meet all requirements as outlined in Section 1-8

4-7. THE FOLLOWING ADDITIONAL FEATURES MUST BE INCLUDED.

A. Heavy duty ballistic nylon carrying case with straps to allow for sling carry by the rescuer and over -the-shoulder placement on the victim. Carrying case shall also allow for the placement of a facepiece, intermediate hose, include four (4) heavy duty D-rings for equipment attachments and the enclosed storage of 150 feet of 8mm rope with build-in D-ring for the purpose of tie down. Built-in visibility for the location of the device in low light situations, integrated flash light holder with intrinsically safe flashlight.

5-1 PURPOSE

To establish minimum standards for SAR Escape Pack.

5-2 TYPE

Open circuit, hip-mounted Escape Pack to be used with supplied air respirators.

5-3 APPROVALS

A. The apparatus shall be certified by the National Institute for Occupational Safety and Health (NIOSH) under Title 42, Part 84 of the Code of Federal Regulations for 45 minute rated service life and for storage at temperatures between -30°F and 160°F.

B. The apparatus shall be compliant with all performance requirements of the National Fire Protection Association's 2002 edition of NFPA 1981, *Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services*.

C. All electronic components shall be certified as intrinsically safe per UL 913 for use in Classes I, II, III, Division 1, Groups A through G hazardous locations.

5-4. FACEPIECE

A. Must allow for the use of facepiece as outlined in Section 1-4.

5-5. REGULATOR SYSTEM, INTERMEDIATE PRESSURE HOSE, and CONNECTIONS

Must be compatible with and meet the requirements as outlined in Section 1-5.

5-6. CYLINDER

A. 15-minute in duration.

B. Must meet all applicable standards as outlined in Section 1-8

5-7. THE FOLLOWING ADDITIONAL FEATURES MUST BE INCLUDED.

A. Heavy duty waist and shoulder strap.

MEMORANDUM

VII-1 &
VIII-C-1

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: August 4, 2003
Re: Public Hearing and Second Reading for Amendment to Chapter 9—
Relating to Keeping of Dogs & Cats

Council Action Requested

Council is requested to conduct the public hearing and approve the second reading to consider an amendment to the City Code, Chapter 9, changing the number of permitted cats and dogs.

Background Information:

Current City Code limits the number of licensed cats or dogs a homeowner may have to no more than two. Staff is recommending a minor change to the code to allow homeowners to license no more than three dogs, cats, or a combination of dogs/cats. This proposed change is consistent with many other communities' regulations.

Attachments:

1. Revised Ordinance

**City of Hastings
Notice of Public Hearing**

**CHAPTER 9, KENNELS
ORDINANCE AMENDMENTS**

Notice is hereby given that the Hastings City Council will meet in a public hearing at 7:00 p.m. on August 4, 2003, in the City Council Chambers located in the Hastings City Hall, 101 East 4th Street, for reviewing a proposed ordinance amending the Hastings City Code as following:

Chapter 9, Subdivision 15

SUBD. 15. KENNELS. No person, or combination of persons, shall keep or harbor ~~three or more~~ more than three cats dogs or combination thereof in excess of the age of three months on any parcel within the City of Hastings without first obtaining an annual kennel license from the City Clerk in accordance with Section 5.75 of the Hastings City Code.

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 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, July 24, 2003
Posted: Hastings City Hall, July 22, 2003

ORDINANCE NO. 499, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA
AMENDING CHAPTER 9, SUBDIVION 15 OF THE
HASTINGS CITY CODE PERTAINING TO:
KENNELS**

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

I. HASTINGS CITY CODE CHAPTER 9 , SUBDIVISION 15 OF THE HASTINGS CITY CODE IS AMENDED AS FOLLOWS:

- a) **SUBD. 15. KENNELS.** No person, or combination of persons, shall keep or harbor ~~three or more~~ more than three cats or dogs or combination thereof in excess of the age of three months on any parcel within the City of Hastings without first obtaining an annual kennel license from the City Clerk in accordance with Section 5.75 of the Hastings City Code. Provided, however, that this Section shall not in any way limit or apply to "small animal clinics" holding a special use permit as provided for in Ordinance No. 23, Second Series. Violation of this Subdivision shall be deemed to be a misdemeanor, and in addition may be enforced by civil proceedings for a restraining order in a court of competent jurisdiction.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

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.

ADOPTED by the Hastings City Council on this 4th day of August, 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, 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 4th of July, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, City Clerk

(SEAL)

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: August 4, 2003

Subject: Public Hearing – Disposition of City Property: South Oaks 2nd Addition (Lawcon Property on Bohlken Drive)

REQUEST

The City Council is asked to hold a public hearing to consider disposing of approximately 0.95 acres of property located between the future extension of Bohlken Drive and the Vermillion River in South Oaks of Hastings. The property is currently enrolled in the federal Lawcon program, and is the subject of a land conversion and property exchange with a 0.98 acre parcel owned by Greg Jablonske.

BACKGROUND

As part of the Preliminary Plat approval for South Oaks of Hastings in 2001, the City and Mr. Jablonske entered into an agreement to exchange the subject parcel owned by the City, with a similar parcel owned by Jablonske. The subject parcel was originally given to the city from the federal government as part of a federal flood control program. Conditions have been placed on the property that prohibit its outright sale, but allow for an exchange of like property. As part of the Lawcon conversion process an appraisal of the values of both parcels were completed to confirm their equal value. The application for the conversion and property exchange was submitted to the Minnesota Department of Natural Resources in March, 2003. The DNR has given verbal approval to the conversion, and the City is awaiting for final paperwork to complete the execution.

The City Council approved the Preliminary Plat of South Oaks of Hastings subject to execution of the Lawcon conversion prior to final platting of the affected area.

ATTACHMENTS

- Site Map

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
DECLARING CERTAIN LAWCON PROPERTY AS EXCESS PROPERTY AND
AUTHORIZING ITS TRADE FOR OTHER PROPERTY.**

DATED: AUGUST 4, 2003

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

RECITALS.

- A. The City has received a request from developer Greg Jablonske ("Developer") to declare as excess property, a parcel approximately .95 acres in size and legally described on Exhibit A ("Parcel A").
- B. This property is presently in the LAWCON program and unless removed from that program, it can not be used for anything but a conservation purposes.
- C. Developer is asking the City to declare Parcel A as excess property and convey it to Developer. In return, Developer proposes to convey to the City a parcel of property approximately .98 acres in size, legally described on Exhibit B ("Parcel B").
- D. With the City's knowledge, Developer has proceeded to obtain approvals from the National Park Service and the Minnesota Department of Natural Resources, to remove Parcel A from the LAWCON program in exchange for putting Parcel B into the LAWCON program.
- E. The City has reviewed the parcel of property that Developer proposes to trade with the City and believes that Parcel B is an equal or better substitute for an exchange of Parcel A.
- F. It would be in the public's best interest to declare as excess Parcel A and trade it for Parcel B which would then be placed in the LAWCON program.

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

1. The Hastings City Council hereby declares it to be in the public's best interest to declare as excess property Parcel A and to exchange it for Parcel B.
2. Upon receiving title to Parcel B, that property shall immediately be placed in the LAWCON program as required by the Department of Natural Resources and the National Park Service.
3. This transfer of property and the enrollment of Parcel B into the LAWCON program shall all be done at no expense to the City with all expenses being paid by Developer. Developer shall immediately record the deeds and pay all fees and taxes needed to record these deeds.
4. If for any reason Parcel B cannot be transferred to the City, then this declaration of Parcel A as being excess property shall be void.

Council Member _____ moved a second to the foregoing Resolution and upon being put to vote the following council members voted in favor of said Resolution:

The following council member voted in opposition to said Resolution:

Whereupon, the Mayor declared the resolution to be duly passed.

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

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

CERTIFICATION

I HEREBY CERTIFY that the above is a true and correct copy of the resolution presented to and adopted by the city council for the City of Hastings, Dakota County, Minnesota, on the 4th day of August, 2003, as disclosed by the records of the City of Hastings on file and of record in the office of the City Clerk.

(SEAL)

Melanie Mesko Lee
Administrative Assistant/City Clerk

THIS INSTRUMENT DRAFTED BY:

Fluegel & Moynihan P.A.
1303 South Frontage Road
Suite #5
Hastings, MN 55033
(SMM/ham)

EXHIBIT A
GRANTOR, CITY OF HASTINGS
GRANTEE, GREGORY A. JABLONSKE

That part of the North one-half of the abandoned right of way of the Hastings and Dakota Railway Company located within the Southwest Quarter of the Southeast Quarter of Section 33, Township 115, Range 17, Dakota County, Minnesota lying easterly of the following described line:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter of Section 33; thence on an assumed bearing of North 89 degrees 57 Minutes 12 second East, along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 67.35 feet to the centerline of said railroad right of way; thence North 48 degrees 37 minutes 13 seconds East, along said centerline, a distance of 800.00 feet to the point of beginning of said line to be described: thence North 13 degrees 52 minutes 38 seconds East a distance of 87.74 feet to the northerly right of way line of said railroad and said line there terminating.

Containing 0.95 acres

EXHIBIT B
GRANTOR, GREGORY A. JABLONSKE AND SUSAN M. JABLONSKE
GRANTEE, CITY OF HASTINGS

Parcel 2

That part of the South one-half of the abandoned right of way of the Hastings and Dakota Railway Company located within the Southwest Quarter of the Southeast Quarter of Section 33, Township 115, Range 17, Dakota County Minnesota described as follows:

Commencing at the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 33; thence on an assumed bearing of North 89 degrees 57 minutes 12 seconds East, along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 67.35 feet to the centerline of said railroad right of way and the point of beginning of the land to be described; thence North 48 degrees 37 minutes 13 seconds East, along said centerline, a distance of 227.12 feet; thence North 89 degrees 57 minutes 12 seconds East a distance of 75.71 feet to the southerly right of way line of said abandoned railway; thence South 48 degrees 37 minutes 13 seconds West a distance of 227.12 feet to said south line of the Southwest Quarter of the Southeast Quarter; thence South 89 degrees 57 minutes 12 seconds West, along said south line, a distance of 75.71 feet to the point of beginning.

Parcel 3

That part of the West 143.06 feet of the North half of the Northeast Quarter of Section 4, Township 114 North, Range 17 West lying northerly of the following described line:


Commencing at the northwest corner of the North half of said Northeast Quarter of Section 4; thence on an assumed bearing of South 0 degrees 15 minutes 04 seconds West, along the west line of said North half of said Northeast Quarter, a distance of 184.70 feet to the point of beginning of the line to be described: thence North 86 degrees 59 minutes 52 seconds East a distance of 143.29 feet to the east line of said West 143.06 feet of the North half of the Northeast Quarter of Section 4 and said line there terminating.

Parcel 4

That part of Outlot H, CENTURY SOUTH, according to the recorded plat thereof, Dakota County, Minnesota, lying northerly of the following described line:

Commencing at the most northerly corner of said Outlot H; thence on an assumed bearing of South 0 degrees 15 minutes 04 seconds West, along the west line thereof, a distance of 184.70 feet to the point of beginning of the line to be described: thence South 86 degrees 59 minutes 52 seconds West a distance of 62.44 feet to the east line of said Outlot H and said line there terminating.

MEMO

To: Mayor & Council
From: Marty McNamara 
Subject: Park Dedication Fees
Date: July 30, 2004

COUNCIL ACTION

Conduct Public hearing on proposed Park Dedication increases and pass the second reading on the attached ordinance.

Memorandum

VI-9

To: Mayor and City Council Members
From: Mary McNamara, Parks Director
Date: July 16, 2003
Subject: Park Dedication Fees

The Natural Resource & Recreation Commission reviewed the current park dedication fees of \$850/per unit cash in lieu of land. The Commission also reviewed the Industrial (8% of land or \$1,200 per acre) and Commercial (\$1,500 per acre). The last time the City of Hastings increased the park dedication fees was by resolution in 1993.

The NRRC reviewed a survey of communities that was completed this year on park dedication fees, they considered the cost to develop/redevelop parks, and reviewed the five years Parks Capital Improvement Plan. The NRRC also considered the equity between the value of land donated for park purposes verses cash in lieu of land.

The NRRC is recommending to the City Council that Park Dedication fees be increased from \$850.00 per unit to \$1800 per unit as of August 14, 2003 and on January 1, 2004 increased to \$2,200 and on January 1, 2005, \$2,500. I have learned from talking to Shawn Moynihan that since the fees are being adopted by the ordinance the soonest this ordinance would be effective would be August 14, 2003. Staff did schedule a meeting on Monday, June 30, 2003 for developers to solicit concerns on the proposed increase. No one showed up for the 3:00 meeting. I did receive two phone calls from developers concerned about the proposed increases. The comments were:

The proposed increase is too much at once and could be \$1,500 per unit.

One developer showed up late for the scheduled meeting and I did leave a message on his voice mail to contact me with his concerns but he did not return the call.

The NRRC is proposing that the Park Dedication fees for Industrial and Commercial be increased from 8% to 10% of gross land area or at the sole discretion of the City Council, \$1,200 per acre for industrial, \$1,500 per acre for commercial subdivisions.

I am attaching a copy of the park dedication fees survey that the NRRC used as well as a letter from Shawn Moynihan regarding park dedication fees in general.

COUNCIL ACTION

Pass the first reading of the attached ordinance and schedule a public hearing and the second reading for the next city council meeting.

ORDINANCE NO. ____ - SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
CITY CODE SECTION 11.07 BY
CHANGING PARK DEDICATION REQUIREMENTS**

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

- I. Hastings City Code Section 11.07 Subdivision 2 is hereby deleted in its entirety and replaced with the following new language.

Section 11.07 Subdivision 2. The amount of land to be dedicated in accordance herewith shall be as follows:

- A. **Residential Development.** The amount of land that all new residential subdivisions shall dedicate for public parks, playgrounds, public open space or storm water holding areas or ponds, as required by this chapter, shall be a percentage of the gross land area being platted based upon the proposed density per gross acre as shown below:

<u>Proposed Density (units) Per Gross Acre of Plat</u>	<u>Percentage of Gross Area of Plat to be Dedicated</u>
0.0-1.9	9%
2.0-3.5	11%
3.6-5.9	13%
6.0-10	15%
10+	Add 0.6% per unit over 10

- B. **Commercial/Industrial Development.**

The amount of land to be dedicated in accordance herewith shall be 10% of the gross land area to be platted.

- II. Hastings City Code Section 11.07 Subdivision 4 is hereby deleted in its entirety and replaced with the following new Subdivision 4.

Section 11.07 Subdivision 4. Cash in lieu of land. The City may at its discretion require the developer to make a cash payment to the City in lieu of land to meet public land dedication requirements. The cash amounts shall be determined as follows:

- A. **Residential Development.**

1. \$1,800.00 per unit for plats receiving final approval on or after August 14, 2003.
2. \$2,002.00 per unit for plats receiving final approval on or after January 1, 2004.
3. \$2,500.00 per unit for plats receiving final approval on or after January 1, 2005.

B. **Commercial/Industrial Development.**

1. \$1,200.00 per gross acre of industrial development.
2. \$1,500.00 per gross acre of commercial development.

C. Any cash so obtained shall be used by the City only for the acquisition of land or equipment for parks, playgrounds, public open space, trails or debt retirement in connection with land previously acquired for such purposes. The City Council may, upon request of a subdivider, delay time of payment of cash in lieu of land beyond the time of final plat approval by the City (no later than commencement of construction of public improvements. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to the date of payment.

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

#3543 P.004/004

MAPLE GROVE PARKS & REC.

MAR.16.2003 21:16 763 494 6454

CITY	SINGLE FAMILY	DUPLEX	TOWN HOME	MULTIPLE FAMILY	COMMERCIAL	INDUSTRIAL	Pk Tr Fees Combined
Andover	\$1,700	N/A	\$1,700	\$1,700	10% FMV \$5,000	10% FMV \$3,400	Y
Blaine	\$1,700	\$1,700	\$1,700	\$2,400	\$387/1,000 sf	\$258/1000 sf	N- Fees N/A
Bloomington	\$3,600	\$3,100	\$3,100	\$2,000	\$4,600	\$4,800	Y
Brooklyn Park	\$2,000	\$2,000	\$2,000	\$1,504	\$6,500	\$4,000	None
Burnsville	\$1,647	\$1,680	\$1,515	\$975	\$9,000	\$9,000	
Chaska	\$1,600	\$1,600	\$1,225	\$760	\$3,350	\$3,350	
Coon Rapids	\$1,117	\$950	\$950	\$760	4% FMV	4% FMV	Y
Cottage Grove	\$1,000	\$750	\$750	\$750	\$5,468	\$4,875	
Eagan	\$1,733	\$1,731	\$1,589	\$1,598	8%	8%	Y
Edina	8%	8%	8%	8%	\$6,600	\$6,600	
Eden Prairie	\$2,300	\$2,300	\$2,300	\$2,300	\$1,000	\$1,000	
Fridley	\$1,500	\$750	\$750	\$750	\$3,950	\$2,950	
Inver Grove Heights	\$1,400	\$1,400	\$1,400	\$1,500	\$5,400	\$3,200	
Lakeville	\$1,500	\$1,500	\$1,500	\$1,500	\$6,500	\$4,800	
Maple Grove	\$2,400	\$2,400	\$2,400	\$2,400	9% FMV	9% FMV	
Maplewood	\$1,020	\$1,728	\$810	N/A	\$2,400	\$3,000	
Minnetonka	\$550	\$500	\$550	\$500	\$2,200	\$2,200	
Oakdale	\$1,000	\$1,000	\$1,000	\$1,000	\$6,400	\$6,400	
Plymouth	\$2,300	\$2,300	\$2,300	\$2,300	\$3,550	\$3,550	
Prior Lake	\$1,685	\$1,685	\$1,685	\$1,685	N/A	N/A	N/A
Richfield	\$1,800	\$1,800	\$1,800	\$1,800	10% FMV	10% FMV	Y
Rosemount	\$500	\$400	\$400	\$350	\$4,280	\$4,280	
Roseville	\$2,200	\$2,200	\$2,200	\$1,900	5% FMV	5% FMV	
Shakopee	\$900	\$900	\$900	\$900	\$3,000	\$3,000	
St. Louis Park	\$1,500	\$1,500	\$1,100	\$1,100	\$4,659	\$4,141	
Woodbury	\$1,500	\$1,559	\$1,484	\$1,451			
AVERAGE	\$1,611	\$1,559	\$1,484	\$1,451			

Eagan- Parks and Trail Dedication Fees added for comparative purposes. Appears to be one of few that keeps the fees separate.
 Prior Lake- Comm/ Ind- 10% gross land area for parkland dedication. Land must be dry upland with slopes less than 10%
 Richfield- City has no parks or trail dedication fee. They are considering such an ordinance.
 Note: Residential dedication fees are calculated per unit. Commercial and Industrial fees are calculated per acre unless otherwise noted.

Shaded area means entry is variable; can not be calculated into MSA



FLUEGEL & MOYNIHAN P.A.

Attorneys At Law

Donald J. Fluegel *
Shawn M. Moynihan
Daniel J. Fluegel

1303 South Frontage Road, Suite 5
Hastings, MN 55033-2477

Telephone 651-438-9777
Fax 651-438-9775

July 1, 2003

Marty McNamara, Parks Director
City of Hastings
Hastings City Hall
101 East 4th Street
Hastings, MN 55033

Re: *Park Dedication Fees*

Dear Marty:

You asked me to address several questions relating to park dedication fees in the city. Specifically, the questions you have raised were as follows:

- A. Can the city impose park dedication fees on commercial and industrial plats in the city?
- B. Can park dedication fees be used in a part of town different from the subdivision that generated those park dedication fees, regardless where that park is located?
- C. Can park dedication fees be used towards a community park?

Background.

Minnesota law allows cities to require a reasonable portion of any proposed subdivision to be dedicated to the public for use as parks or other recreational facilities. (Minn Stat 462.358 Subdivision 2b) That same statute allows the city to accept cash instead of land dedication. Those cash payments are to be placed in a special fund and used by the city only for the purposes for which the money was obtained.

There are only three reported court cases in Minnesota which deal with park dedication issues. Basically, the court has said that the land dedication requirements or fees imposed must be in reasonable proportion to the needs created by the subdivision that is paying those fees or dedicating the land. The questionable of what is a "reasonable proportion" is a facts and circumstances test. This means to determine reasonableness, you need to look at the individual facts of each particular situation. If challenged, the city has the burden of proving that its park dedication requirements bear a reasonable relationship between the development and the city's need for the park dedication.

A. Can the city access park dedication fees on commercial and industrial developments?

Briefly stated, the city can impose park dedication fees on commercial and industrial developments so long as the city can meet its burden of proving that commercial and industrial developments put demands on the city's park systems and that the park dedication requirement will address those demands. Arguably, both of these uses bring people into town that may use the parks and trails. Persons visiting a commercial development may stop and use some of the park amenities while they are in town. Employees of businesses in the commercial and industrial subdivisions may also use the park systems. It is not uncommon to see such employees using the parks and trails during their lunch hour. Especially those parks and trails near the commercial and industrial developments. The amount of the park dedication requirement or fees imposed on commercial and industrial must bear a reasonable relationship to the need created by those developments. As you can appreciate, calculating this number is not an exact science. The city must be able to support its fees by looking at all of the facts and circumstances surrounding that commercial or industrial development.

B. Can park dedication fees which are collected be spent in a part of town different from the development that paid those fees?

I believe some portion of the park dedication fees collected by the city can be used towards maintenance and improvement of community parks such as Lake Rebecca Park, Roadside Park, Veterans Park and CP Adams Park. I do not believe park dedication fees can be used to maintain other neighborhood parks such as Dakota Hills Park, Lions Park, Lake Isabelle Park and other similar neighborhood parks, unless the new development will be expected to use one of those neighborhood parks. As I stated, the purpose of park dedication fees is to meet the park dedication needs that will be created by a particular subdivision. I question if a subdivision on the west end of town will be increasing the use of small neighborhood parks such as Lake Isabelle Park, Lions Park and Dakota Hills Park. New residents in town may on occasion visit these small neighborhood park but those visits will be infrequent. Park dedication fees need to be spent on parks in that subdivision or parks nearby that subdivision that its residents are expected to use.

C. Can park dedication fees be used toward a community park such as Lake Rebecca Park, Roadside Park, Veterans Park, CP Adams Park, etc.?

I believe some portion of the park dedication fees collected can be used for improvements to community parks such as the ones listed above.

The burden for the city is to show that there is a reasonable relationship between the park dedication fee and the impact that development will have on parks. In my opinion, it is reasonable to believe that a new residential development will cause some increase use of community parks. Community parks, by definition, are designed to attract users from the entire city. This is contrary to neighborhood parks which are designed to handle lower volumes of usage, predominantly coming from the immediate surrounding area.

The important question here is how much of a park dedication fee from a particular subdivision can be used to maintain or improve community parks? I don't have a formula that can be used to determine this amount. Instead, some how the city needs to determine the impact a new subdivision

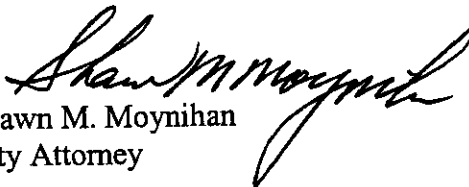
will cause on existing community parks. Once that has been determined, then, arguably, some percentage of that park dedication fee could be used to improve or maintain community parks. Please keep in mind, it is likely that this dollar amount will be small when considering one subdivisions impact on the overall community park usage.

I do not believe that all or substantially all of a park dedication fee can be used to improve community parks. Park dedication fees are meant to alleviate the demand for parks caused by a particular development. It is not likely that a particular development will cause such an increase usage of community parks, when compared to the overall usage of the park, that would justify spending all or substantially all of the park dedication fee on community parks. Instead, those park dedication fees must be spent predominantly on creating or maintaining parks that residents of the subdivision will be expected to use.

Please let me know if you have any further questions regarding this topic. If you would like me to attend any NRRC or park committee of the council to go over this in person, please let me know.

Very truly yours,

FLUEGEL & MOYNIHAN P.A.


Shawn M. Moynihan
City Attorney

SMM:ham

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: July 29, 2003
Re: Resolution Accepting Petition and Ordering Feasibility Study, Glendale Heights Spiral Boulevard and 31st St. Improvements

Enclosed for Council consideration is a request from Tom Ryan of Ryan Contracting to proceed with the Spiral Boulevard and 31st St. improvements for the Glendale Heights development this fall. Ryan Contracting is the purchaser of the property, however the legal owner is still William Crist and Samuel Hertogs.

I have also enclosed a staff memo and a resolution adopted by the Council on November 19, 2001 ordering a feasibility study on the proposed Spiral Boulevard and 31st improvements as part of the Glendale development. Work on the feasibility study and the project design was halted when the Council tabled action on the preliminary plat pending resolution of Metropolitan Council and traffic issues.

As outlined in the previous staff memo, the City would construct Spiral Boulevard and 31st St. from Enterprise Ave. through the Industrial Park property to the west property line of the Glendale Heights development at City expense. The cost of extending Spiral Boulevard through the Glendale Heights development and the closed City dump site, connecting to CSAH #91, would be shared equally between the City and the developer.

Council is requested to adopt the enclosed resolution that again orders a feasibility study for the Spiral Boulevard and 31st St. improvements. Council is also requested to adopt the enclosed resolution ordering a public improvement hearing for the August 18th Council meeting. Ryan Contracting has requested that these improvements be constructed this fall, which will require an accelerated improvement schedule. The work completed to date under the previous feasibility study resolution should allow staff to proceed under a schedule that would allow Council to award bids by late September or early October.

The developer has been requested to provide a letter from the current property owners, William Crist and Samuel Hertogs, repeating their request for the feasibility study and confirming the continued use of their \$150,000 escrow to cover the cost of consultant services

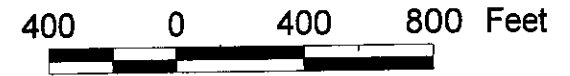
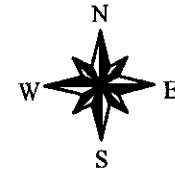
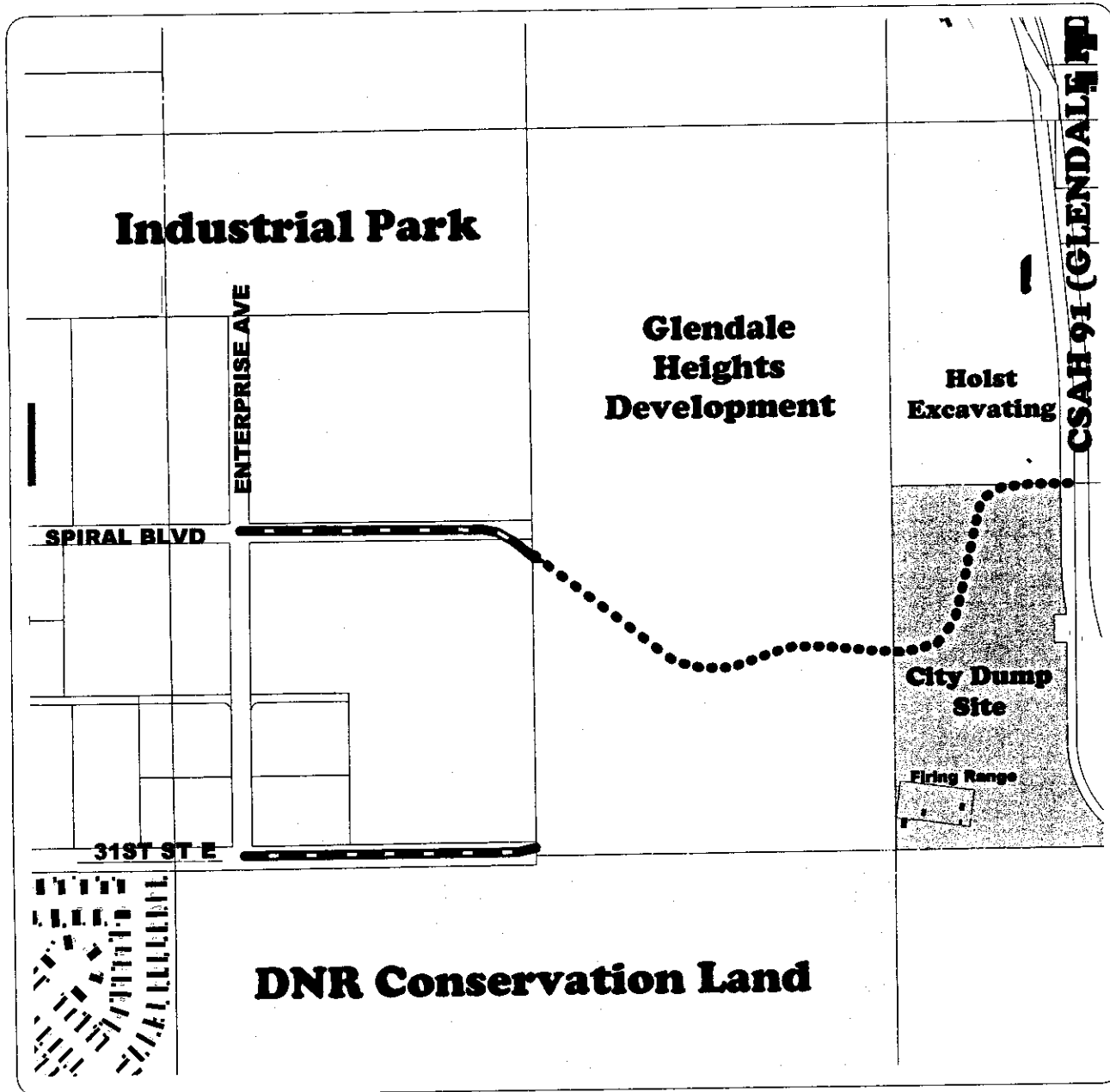
COUNCIL ACTION REQUESTED

Council is requested to adopt the resolution ordering the feasibility study and the resolution ordering the improvement hearing for the August 18th Council meeting.



CITY OF HASTINGS

Project 2003-7, Spiral Boulevard and 31st Street



Legend



Spiral Blvd & 31st St. - 100% City



Spiral Blvd Cost Shared



Glendale Heights Development



City Dump Site



Industrial Park Property



Holst Excavating



DNR Conservation Land



CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION RE-ORDERING THE PREPARATION OF A
FEASIBILITY REPORT FOR PROJECT NO. 2003-7,
SPIRAL BOULEVARD AND 31ST STREET**

WHEREAS, a petition was received in November of 2001 requesting an extension of street and utility improvements for Spiral Boulevard and 31st Street through the Crist/Hertogs property east of the Hastings Industrial Park as part of the proposed Glendale Heights development. The proposed improvements included street, storm sewer, sanitary sewer, watermain, sidewalk and bituminous trail construction, and

WHEREAS, action of the preliminary plat was tabled by the Hastings City Council until Metropolitan Council and traffic issues were satisfactorily addressed, and

WHEREAS, the Hastings City Council approved the Glendale Heights preliminary plat and concept plan at their July 21, 2003 meeting,

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

The above proposed improvements are again hereby referred to the Public Works Director for study and he is instructed to report to the City Council with all convenient speed, advising the Council in a preliminary way as to whether the proposed improvements are feasible and as to whether they would be made as proposed or in connection with some other improvements, and the estimated cost of the improvements as recommended.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 4th
DAY OF AUGUST, 2003.**

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, City Clerk

(Seal)

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No. _____

**RESOLUTION ORDERING HEARING ON PROJECT NO. 2003-7,
SPIRAL BOULEVARD AND 31ST STREET**

WHEREAS, pursuant to resolution of the City Council dated November 19th, 2001, and reaffirmed August 4, 2003, a report is being prepared by the Public Works Director with reference to the 2003-7 Spiral Boulevard and 31st Street improvements.

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

A public hearing will be held on such improvements at 7:00 PM, Monday, August 18, 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 4th DAY OF AUGUST, 2003.

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, City Clerk

SEAL



July 16, 2003

City of Hastings
101 E. 4th St.
Hastings, MN 55033

Attn: Thomas M. Montgomery, P.E.
Public Works Director

Re: Petition for Street & Utility Improvements
Glendale Heights Subdivision
Hastings, MN

Dear Mr. Montgomery:

Please accept this petition for extension of streets and utilities to serve 79.59 acres east of the Hastings Industrial Park for our Glendale Heights Subdivision.

The legal description of the property is as follows:

The East one half (E ½) of the Southwest (SW) quarter of Section Thirty-five (35), Township One Hundred and Fifteen (115), Range Seventeen (17) West, City of Hastings, Dakota County, Minnesota.

The owners feel that this request is justified for the following reasons:

1. Approved Preliminary Plat identifies the need for the type of mixed use housing and density shown of the concept plan.
2. The current Comprehensive Plan identifies the need for the extension of Spiral Boulevard to County Road 91.
3. The current Comprehensive Plan identifies the need to look for opportunities to grow and service the areas within the current city limits before expanding into the surrounding townships.

Corporate Headquarters

8700 13th Avenue East Shakopee, Minnesota 55379 952-894-3200 Fax: 952-894-3207

Wisconsin Office

9468 130th Ave. Bloomer, Wisconsin 54724 715-568-3522 Fax: 715-568-3433

As you know, our proposed Glendale Heights Subdivision is currently land locked. In other words, it does not have access to roads or utilities. In order for us to proceed with the development, it is imperative that the City build Spiral Boulevard and 31st Street between Enterprise Ave. and Glendale Road. In order for us to meet our development schedule, we request that the City of Hastings immediately order public bids for Spiral Boulevard and 31st Street with the intent to complete construction yet this year.

Thank you for your consideration and help with this matter.

Sincerely,
Ryan Contracting Co.



Thomas J. Ryan
President

TJR/cjp

Cc: Hastings City Council
John Hinzman, Director of Planning
Dan Tilsen, GGG Engineering
Reid Hansen, Hansen McCann & O'Connor

HANSEN, McCANN & O'CONNOR, P.A.

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

DAKOTA CENTRAL OFFICES
14450 SOUTH ROBERT TRAIL
ROSEMOUNT, MINNESOTA 55068

REID J. HANSEN
MICHAEL C. McCANN
RICHARD L. O'CONNOR

TELEPHONE: (651) 423-1155
FAX: (651) 423-1157

July 30, 2003

Tom Montgomery
City of Hastings
101 4th Street E.
Hastings, MN 55033-1955

RE: Escrow for engineering services
Spiral Boulevard and 31st Street Street and Utility Extensions

Dear Mr. Montgomery:

I write as attorney for Samuel Hertogs and William Crist, and with respect to the above-captioned matter. As owners, on or about November 13, 2001 Sam Hertogs and William Crist petitioned the City of Hastings to conduct a feasibility study and, if appropriate, construction of the above-referenced improvements, a copy of which petition is attached hereto. In conjunction with the petition, Sam Hertogs and William Crist deposited One Hundred and Fifty Thousand Dollars (\$150,000.00) with the City of Hastings to cover costs for the preparation of the feasibility study. The amount escrowed was to be used, returned, and/or otherwise disbursed as provided in your memorandum dated November 9, 2001, a copy of which was attached to the petition of Sam Hertogs and William Crist.

Sam Hertogs and William Crist are presently in the process of completing negotiations for the sale of their property to Tom Ryan (Ryan Contracting Co.). It is our understanding that he has petitioned the City of Hastings for a feasibility report and construction of the improvements referenced above. Please be advised, in accordance with your request, that Sam Hertogs and William Crist have no objection to the use and disbursement of the escrow previously established in connection with the feasibility report to be prepared in conjunction with Tom Ryan's petition for the above-referenced improvements. As before, and all in accordance with your November 9, 2001 memorandum, Mr. Hertogs and

Mr. Crist expect reimbursement of the \$150,000.00 in full if the project is ordered. If the project is determined not feasible, any unused funds of the escrow would be returned to Mr. Hertogs and Mr. Crist.

If you have any questions, please give me a call.

Very truly yours,

FOR THE FIRM


Reid J. Hansen

RJH:njh
Enclosure
clients\1232.003\fsblty.ltr

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: November 13, 2001
Re: Resolution Accepting Petition and Ordering Feasibility Study

Enclosed for Council consideration is a petition from William Crist and Samuel Hertogs to construct Spiral Boulevard and 31st St. through their property as outlined in the development concept plan. As part of this project, Spiral Boulevard and 31st would have to be extended east from Enterprise Drive.

The cost of the Spiral Boulevard and 31st St. street and utility improvements within the Industrial Park are proposed to be assessed back to the Industrial Park (City) as was the cost of Enterprise Drive when it was built. The cost of the 31st St. improvements within the Crist/Hertogs property would be assessed against that property.

Spiral Boulevard is proposed to serve as a collector street providing an additional access to the Industrial Park as outline in the City's Comprehensive Plan. As proposed, Spiral Boulevard would extend east through the Crist/Hertogs property and through the City owned dump site/firing range property to connect to CR #91 (Glendale Road). Fifty percent of the cost of constructing this collector road through both the Crist/Hertogs property and the City property is proposed to be assessed against the Crist/Hertogs property with the remaining fifty percent funded by the City.

As the City will incur expenses for the preliminary design and preparation of the feasibility report, the property owners have been requested to furnish a \$150,000 escrow to cover the cost of these services should the Council accept the petition and order a feasibility study. After the improvement hearing, if the Council were to order the project constructed, the \$150,000 escrow would be returned and the engineering costs included in the project costs and recovered through the assessment process.

COUNCIL ACTION REQUESTED

Council is requested to accept the petition for improvements for the Crist/Hertogs property and adopt the enclosed resolution ordering a feasibility study.



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION DECLARING THE ADEQUACY OF PETITION AND ORDERING
THE PREPARATION OF FEASIBILITY REPORT FOR PROJECT NO. 2002-7,
SPIRAL BOULEVARD AND 31ST STREET**

WHEREAS, a petition was received requesting an extension of street and utility improvements for Spiral Boulevard and 31st Street through the Crist/Hertogs property east of the Hastings Industrial Park. The proposed improvements include street, storm sewer, sanitary sewer, watermain, sidewalk and bituminous trail construction.

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

1. Said petitions are hereby declared to be signed by the required percentage of owners of property affected thereby and that this declaration is made in conformity to Minnesota Statutes, Section 429.
2. Said petitions are hereby referred to the Public Woks Director for study and he is instructed to report to the City Council with all convenient speed, advising the Council in a preliminary way as to whether the proposed improvements are feasible and as to whether they would be made as proposed or in connection with some other improvements, ant the estimated cost of the improvements as recommended.

**ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 19th
DAY OF NOVEMBER, 2001.**

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko, City Clerk

(Seal)

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: August 4, 2003

Subject: Approve Disposition of City Property – South Oaks of Hastings.

Please see the Public Hearing Memorandum for further information.

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: August 4, 2003
Subject: Approve Lawcon Property Agreement

REQUEST

The City Council is asked to authorize execution of the attached agreement exchanging 0.95 acres of land owned by the City with 0.98 acres of land owned by Greg Jablonske as part of the Land and Water Conservation Fund (Lawcon) exchange

BACKGROUND

As part of the Preliminary Plat approval for South Oaks of Hastings in 2001, the City and Mr. Jablonske entered into an agreement to exchange the subject parcel owned by the City, with a similar parcel owned by Jablonske. The subject parcel was originally given to the city from the federal government as part of a federal flood control program. Conditions have been placed on the property that prohibit its outright sale, but allow for an exchange of like property. As part of the Lawcon conversion process an appraisal of the values of both parcels were completed to confirm their equal value.

ATTACHMENTS

- Lawcon Agreement

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Amendment # 3 to: X Land and Water Conservation Fund (LW)
P.O. # NA State Natural Resources Fund (NR)
 State Outdoor Recreation Grant Fund (OR)
 Minnesota Future Resources Fund (NR)

City of Hastings
(Local Unit of Government)

Dakota County
(County)

Vermillion River Gorge
(Project Title)

LW27-00659
(Project Number)

This Amendment to Project Agreement Number LW27-00659 hereby made and agreed upon by the State of Minnesota through the Department of Natural Resources pursuant to:

 X Land and Water Conservation Fund Act of 1965, 78 Stat. 897. (LW)

 Minn. Laws, Ch. 810 and subsequent applicable laws, and rules and guidelines of Outdoor Recreation Grant Program. (NR)

 Minn. Laws, Ch. 216, Sec. 15, Subd. 4(c), subsequent applicable laws, rules, and guidelines of the Outdoor Recreation Grant Program. (OR)

 Minn. Laws, Ch. 216, Sec. 15, Subd. 26(a) local recreation grants.

In mutual consideration of the promises made herein and in the Agreement identified above, the parties hereto do agree to amend said Agreement as follows:

Delete .95 acre from Vermillion River Gorge in the city of Hastings, Dakota County, and add .98 acre of replacement lands to the Vermillion River Gorge in accordance with Section 6(f) (3) of the Act.

THE GRANTEE SHALL COMPLY WITH 43 CFR, PART 12, SUBPART B, AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT.

Except as herein amended, the provisions of the original Agreement are expressly reaffirmed by the parties and remain in full force and effect.

APPROVED:

**STATE OF MINNESOTA BY AND
THROUGH THE DEPARTMENT OF
NATURAL RESOURCES**

By _____

Title _____

Date _____

CITY OF HASTINGS:

For _____

By _____
(Name and Title)

Date _____

By _____
(Name and Title)

Date _____

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: August 4, 2003

Subject: Greg Jablonske – Preliminary Plat\Final Plat #2003-41 – South Oaks 2nd Addition

REQUEST

Greg Jablonske seeks the following approvals for SOUTH OAKS OF HASTINGS 2ND ADDITION, a single and multiple family residential subdivision consisting of 37.54 acres generally located along 31st Street between Bohlken Drive and Century Drive:

- 1) Preliminary Plat to subdivide 35 single family lots and 128 multiple family lots (134 multiple family units). Multiple Family units would be side by side townhomes ranging from 2-6 units per structure.
- 2) Final Plat to subdivide 35 single family lots and 54 townhome lots (60 townhome units), and 4 outlots for future development. Multiple Family units would be side by side townhomes ranging from 2-6 units per structure.

A special use permit to allow floodplain fill on a portion of the development has been submitted in conjunction with the application.

KEY CONSIDERATIONS

Tree Preservation Plan Evaluation – A tree preservation plan has been submitted for the northern portion of site adjacent to Bohlken Drive. The plan identifies the preservation of 30 trees and elimination of 259 trees. A tree replacement plan has not been submitted. Review comments from staff will be presented at the meeting.

Trail Payment – The feasibility report for South Oaks public improvements identified a trail link between 31st Street to the Vermillion River trail. The cost for the trail was estimated at \$42,000. Only 15 percent of the trail is located on South Oaks property (the remaining 85 percent is on the city flood channel property). The developer would only be responsible for 15 percent of the trail cost, unless the Council determines an alternate method for establishing trail cost.

Park Dedication – Cash in lieu of land is proposed to satisfy park dedication requirements. Cash would be taken for only that portion of the South Oaks of Hastings 2nd Addition Final Plat at \$850 per lot. Cash payments for future Final Plats of the South Oaks of Hastings 2nd Addition Preliminary Plat would be subject to rate established at the time of Council approval of those Plats.

Bohlken 6th Addition Property Line – The applicant has agreed to plat portions of Lot 1, Block 2 east of an existing trail as an outlot to be combined with the eastern adjoining lot (Lot 1, Block 1, BOHLKEN 6TH ADDITION). The change would provide a more uniform property boundary, by eliminating a “panhandle” portion of the property. Please see attached letter from Dave Tanner

RECOMMENDED ACTION

The Planning Commission recommended unanimous approval of the Preliminary and Final Plat at the July 14, 2003 meeting. Several individuals addressed the item during the public hearing, the following comments were made:

- Timing of street improvements and affect on watershed area
- Concern of increased traffic with street connections
- Type and market of proposed townhomes
- Configuration of plat boundary adjacent to Bohlken 6th Addition
- Questions of tree preservation

The Planning Commission discussed the need for cul-de-sacs, plan for preservation of wooded areas, reconfiguring the property boundary adjacent to Bohlken 6th Addition. Please see the attached minutes for further information.

ATTACHMENTS

- Preliminary Plat Resolution
- Final Plat Resolution
- Location Map
- Preliminary Plat
- Final Plat
- Grading Plan
- Letter from Dave Tanner
- Planning Commission Minutes ~ July 14, 2003
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The proposed use and density are consistent with the Comprehensive Plan.

The Comprehensive Plan designates the property as:

- U-I, Urban Residential (1-3 units per acre) – north of 31st Street
- U-II, Urban Residential (4-8 units per acre) – south of 31st Street

Zoning Classification

The proposed use is consistent with Zoning Ordinance. The property is zoned as follows:

- R-2, Medium Density Residence – north of 31st Street
- R-3, Medium-High Density Residence\Planned Residential Development – south of 31st Street.

The original R-3 rezoning for South Oaks of Hastings 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	Vermillion River	F-W – Floodway	F - Floodway
East	Single Family Res.	R-2 – Med Den Res. R-3 - Med High Dens	U-I – Urb Res
South	Townhomes	R-3 – Med High Dens	U-II – Urb Res
West	Single Family Res.	R-3 – Med High Dens	U-II – Urb Res

Existing Condition

The site is presently undeveloped. Areas along the far north and west (adjacent to the Vermillion River) are wooded. The majority of the site is open with little topographic relief.

PRELIMINARY PLAT REVIEW

Access and Circulation

The plat improves area access and circulation. The existing southern terminus of Bohlken Drive would be extended south to link with 31st Street. 31st Street would be extended from

its western terminus near Highview Knoll through South Oaks, Century South, and Riverwood 7th Additions to link with County Road 46/47, creating an additional Vermillion River Crossing. Century Drive, and Olson Drive would be further extended to provide links between the South Oaks and Century South developments.

Grading, Drainage, and Erosion Control Plan

The Grading, Drainage, and Erosion Control plan has been approved by the Public Works Director

Utilities

All public utilities within right-of-ways will be completed by the City as part of a public improvement project. Utility Plans have been completed and are nearing approval. Utility plan approval must be obtained by the Public Works Director as a condition of Plat approval.

Pedestrian Access

The following sidewalks and trail links are included as part of the plat:

- 31st Street – 5' concrete sidewalk on north side (entire length), 8' bituminous trail on south side, west of Olson Drive.
- Century Drive – 5' concrete sidewalk on the east side.
- 31st Street Trail Connection – a 8' bituminous trail would be constructed north of 31st Street and Olson Drive to provide a connection to the Vermillion River Trail.

A trail along the Vermillion River presently exists west of Bohlken Drive. A trail system west of Olson Drive is planned as part of the Century South Development. Connections to the South Oaks to the trail will be provided.

Trail Payment

Trails and sidewalks that are located with City right-of-ways will be constructed and assessed as part of the public improvement. The feasibility report for South Oaks public improvements identified a trail link between 31st Street to the Vermillion River trail. The cost for the trail was estimated at \$42,000. Only 15 percent of the trail is located on South Oaks property (the remaining 85 percent is on the city flood channel property). The developer would only be responsible for 15 percent of the trail cost, unless the Council determines an alternate method for establishing trail cost.

Public Land Dedication

The Natural Resources and Recreation Committee reviewed park dedication options with the original South Oaks of Hastings plat and recommended the following:

- 1) **Cash in lieu of land shall be paid at the time and amount established upon final platting.** At existing rates the amount would be \$143,650 (169 units @ \$850 per unit), however the rate may change in the near future.

Lawcon Property Trade

As part of the original South Oaks of Hastings approval, the City of Hastings agreed to swap approximately 0.95 city owned acres located along the rear of Lots 1-8, Block 2 with approximately 0.98 acres owned by Mr. Jablonske located north of Lots 1-2, Block 3. The trade was necessary in order to create adequate depth for lots on the west side of Bohlken Drive.

The City owned land was acquired through the federal Lawcon program, and must receive federal and state DNR approval prior to the trade. The request for land trade has been submitted and verbally approved. Execution of formal documents is expected in the coming weeks to officially allow the ownership change.

The following conditions must be satisfied as a condition of plat approval:

- 1) **Final approval of the lawcon trade must be secured prior to filing of a final plat for the affected property.**
- 2) **A 20 foot rear yard conservation easement must be approved by the City, and established over the following properties prior to release of Final Plat mylars for recording: Block 1, Lots 11-16; and Block 2, Lots 1-8.** The Conservation Easement requirement was part of the original conditions for City approval of the lawcon swap in conjunction with the original South Oaks Addition.

Interceptor Sewer Fee

Sewer interceptor fees shall be paid at the time and amount established upon final platting. At existing rates, the amount would be \$54,925 (169 units @ \$325 per unit).

Planned Residential Development

Areas south of 31st Street were originally zoned as part of a planned residential development, allowing for deviations from standard zoning setback and lot size requirements. The proposed residential density of the multiple family area is approximately 7 units per acre, within the 4-8 unit per acre allowance under the U-II district of the Comprehensive Plan.

The Planned Residential Development layout is acceptable subject to the following:

- 1) **All lots are subject to a 20 foot minimum front and rear yard setback.** The layout appears to meet this provision.

Lot Layout

Lot layout is acceptable with the following changes:

- 1) **Outlot D must be combined with Lot 1, Block 3.** Creation of small undevelopable outlots is not recommended because of the strong likelihood of becoming tax forfeit, with maintenance and liability reverting to the County and City.
- 2) **All lots abutting 31st Street are subject to a 35 foot setback.** Lots 15-17, Block 6, do not appear to reflect the 35 foot setback.
- 3) **Block 3, Lots 1-6 would contain twin homes on a single lot of record. It is strongly recommended that construction of the units incorporate provisions for future subdivision including separate utilities and adequate fire separation.** It is likely future owners may want to perform a zero lot line split of the structure into two properties.
- 4) **A ten foot corner setback for the R-2 and R-3 Districts must be identified on the plan.**
- 5) **Easements must be delineated on Block 3, Lots 7-10, and Blocks 7-10.**
- 6) **35th Street must be labeled on the plat.**
- 7) **Street names for A & B, and Outlot C will need to be submitted and approved, prior to City Council approval.**
- 8) **Street width for Outlot C street must be identified.**

Landscape Plan

The landscape plan identifies boulevard tree plantings every 50 lineal feet along right-of-ways, planted at 2.0 caliper inches. The following additions are needed to comply with minimum requirements:

- 1) **All cul-de-sacs must include landscaped islands. A landscape plan for island plantings must be submitted for review and approval. A home owners association or covenants must be established to ensure maintenance of plantings.**
- 2) **One front yard tree is required to be planted within 10-15' of the right-of-way line.**

- 3) **Boulevard trees must be setback at least 30 feet from all intersections.** Some trees on the existing plan appear to encroach within the 30 foot area.

Homeowner Association\Covenants

A homeowner association and covenants must be established to ensure continued maintenance of all outlots and common areas prior to release of the final plat mylars.

Tree Preservation

The most northern end of site along Bohlken Drive is heavily wooded. A tree preservation plan including the identification of significant trees and proposed measures for preservations must be submitted for city review prior to the item being scheduled before the City Council for Final Approval.

Flood Plain Fill

Portions of lots along the north end of Bohlken Drive are within the 100 year flood plain as identified on the Federal Emergency Management Agency (FEMA) Map. A separate application for flood plain fill has been submitted in conjunction with the plat application. Approval of the Final Plat shall be contingent upon approval of the floodplain fill permit by the City Council. Future construction of homes along Bohlken Drive may also require FEMA review and approval and potentially a Conditional Letter of Map Revision (CLOMR) prior to building construction.

Erosion Control Problems

The City has experienced problems with the builder\developer of South Oaks 1st Addition in maintaining silt fences, and clear access of streets during construction. Erosion control measures must be improved for the existing development, and will be closely monitored during the construction of South Oaks 2nd Addition.

Site Plan Review

Site Plan review and approval for all buildings exceeding two units must be granted by the City Council, prior to construction.

FINAL PLAT REVIEW

Background

The applicant proposes to Final Plat Blocks 1-6 of the Preliminary Plat. Blocks 7-10 of the Preliminary Plat would be set aside for future development as Outlot A. The Final Plat would include all street extensions, with the exception of Streets A and B, and South Oaks Drive.

Final Plat Modifications

The following changes are needed on the Final Plat prior to signature of the Final Plat Mylar:

- 1) **A trail easement must be established to encompass the existing trail over Block 2, Lot 1.**
- 2) **Rear dimension for Block 4, Lot 3 must be correctly identified. The preliminary Plat shows the dimension as 32 feet, and Final Plat identifies the dimension as 23.74 feet.**
- 3) **Front lot widths for Block 4, Lots 6 and 7 must clearly be identified.**
- 4) **Rear easements for Block 4, Lots 1-4; and Block 5, Lots 1-5 must be 20 feet in width.**

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE PRELIMINARY PLAT OF SOUTH OAKS OF HASTINGS 2ND
ADDITION A SINGLE AND MULTIPLE FAMILY RESIDENTIAL SUBDIVISION
GENERALLY LOCATED ALONG 31ST STREET, WEST OF HIGHVIEW KNOLL ,
HASTINGS, MN**

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

WHEREAS, Greg Jablonske has petitioned for preliminary plat approval of SOUTH OAKS OF HASTINGS 2ND ADDITION, a residential subdivision containing 35 single family lots, and 128 multiple family lots (containing 134 multiple family units) on 37.54 acres generally located along 31st Street west of Highview Knoll, legally described as follows:

Outlots A, B, and C SOUTH OAKS OF HASTINGS, Outlot H, CENTURY SOUTH, and Outlot A, CENTURY SOUTH 5TH ADDITION, according to the recorded plats thereof, Dakota County, Minnesota.

WHEREAS, on July 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 Preliminary Plat subject to the conditions contained herein.

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 of SOUTH OAKS OF HASTINGS 2ND ADDITION subject to the following:

1. Adherence to the plans as presented to the City Council including but not limited to Preliminary Plat, Landscape Plan, and Tree Preservation Plan.
2. That portion of Lot 1, Block 2, SOUTH OAKS OF HASTINGS 2ND ADDITION, generally lying east of existing bituminous trails shall be platted as a separate Outlot and with a covenant

requiring the combination of the Outlot with adjoining property so that it cannot be sold separately.

3. Park Dedication shall be satisfied by cash in lieu of land and paid at the time and amount established upon final platting
4. Sewer interceptor fees shall be paid at the time and amount established upon final platting.
5. A tree preservation plan including the identification of significant trees, proposed measures for preservation, and plan for replacement of removed trees must be submitted and approved by the Planning Director.
6. Site Plan approval is required before construction of any buildings containing more than two attached units.
7. All lots are subject to a 20 foot minimum front and rear yard setback
8. Outlot D must be combined with Lot 1, Block 3.
9. All lots abutting 31st Street are subject to a 35 foot setback.
10. Block 3, Lots 1-6 would contain twin homes on a single lot of record. It is strongly recommended that construction of the units incorporate provision for future subdivision including separate utilities and adequate fire separation.
11. A ten foot corner setback for the R-2 and R-3 Districts must be identified on the plan.
12. Easements must be delineated on Block 3, Lots 7-10, and Blocks 7-10.
13. 35th Street must be labeled on the plat.
14. Street names for A & B, and Outlot C will need to be submitted and approved.
15. The street width for Outlot C must be identified. It appears the street width may limit the ability for on-street parking, and must be labeled no parking.
16. All cul-de-sacs must include landscaped islands. A home owners association or covenants must be established to ensure maintenance of plantings.
17. One front yard tree is required to be planted within 10-15' of the right-of-way line.
18. Boulevard trees must be setback at least 30 feet from all intersections.
19. Approval of the Final Plat shall be contingent upon approval of the floodplain fill permit by the City Council.

20. Future construction of homes along Bohlken Drive may also require additional FEMA review and approvals including a Conditional Letter of Map Revision (CLOMR) prior to building construction.
21. Final approval of the grading, drainage and utility plans by the Public Works Director. The applicant shall pay for all costs associated with consultant review of the plans and assumes all risks associated with the grading and utility placement prior to formal approvals.
22. All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
23. The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
24. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to release of Final Plat mylars.
25. Approval is subject to a one year sunset clause. Approval is null and void if significant work has not commenced within one year of City Council Approval.

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
 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 4th day of August, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

 Melanie Mesko Lee
 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 FINAL PLAT OF SOUTH OAKS OF HASTINGS 2ND ADDITION A
SINGLE AND MULTIPLE FAMILY RESIDENTIAL SUBDIVISION GENERALLY
LOCATED ALONG 31ST STREET, WEST OF HIGHVIEW KNOLL , HASTINGS, MN**

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

WHEREAS, Greg Jablonske has petitioned for final plat approval of SOUTH OAKS OF HASTINGS 2ND ADDITION, a residential subdivision containing 35 single family lots, and 54 multiple family lots (containing 60 multiple family units) on 37.54 acres generally located along 31st Street west of Highview Knoll, legally described as follows:

Outlots A, B, and C SOUTH OAKS OF HASTINGS, Outlot H, CENTURY SOUTH, and Outlot A, CENTURY SOUTH 5TH ADDITION, according to the recorded plats thereof, Dakota County, Minnesota.

WHEREAS, on July 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 Final Plat subject to the conditions contained herein.

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

That the City Council hereby approves the final plat of SOUTH OAKS OF HASTINGS 2ND ADDITION subject to the following:

1. Adherence to the conditions of the South Oaks of Hastings 2nd Addition Preliminary Plat
2. Final approval of the lawcon trade must be secured prior to filing of a final plat for the affected property.

3. A 20 foot rear yard conservation easement must be approved by the City, and established over the following properties prior to release of Final Plat mylars for recording: Block 1, Lots 11-16; and Block 2, Lots 1-8.
4. Development of the platted outlots shall be prohibited until replatted as lots of record.
5. 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, 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.
6. The following changes shall be made on the final plat mylars prior to signature by the City:
 - a) A trail easement must be established to encompass the existing trail over Block 2, Lot 1.
 - b) Rear dimension for Block 4, Lot 3 must be correctly identified. Preliminary Plat shows dimension as 32 feet, and Final Plat identifies dimension as 23.74 feet.

- c) Front lot widths for Block 4, Lots 6 and 7 must clearly be identified.
 - d) Rear easements for Block 4, Lots 1-4; and Block 5, Lots 1-5 must be 20 feet in width.
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 release of Final Plat mylars.
 8. Payment of cash in lieu of land for park dedication in the amount of \$80,750 (\$850 per unit x 95 units) prior to release of final plat mylars.
 9. Payment of sewer interceptor fees in the amount of \$30,875 (\$325 per unit x 95 units) prior to release of final plat mylars.
 10. Any uncompleted site work (including landscaping) must be escrowed for at 125 percent of the projected cost estimate prior to issuance of a certificate of occupancy.
 11. Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to release of Final Plat mylars.
 12. 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:

 Melanie Mesko Lee
 City Clerk

 Michael D. Werner, Mayor

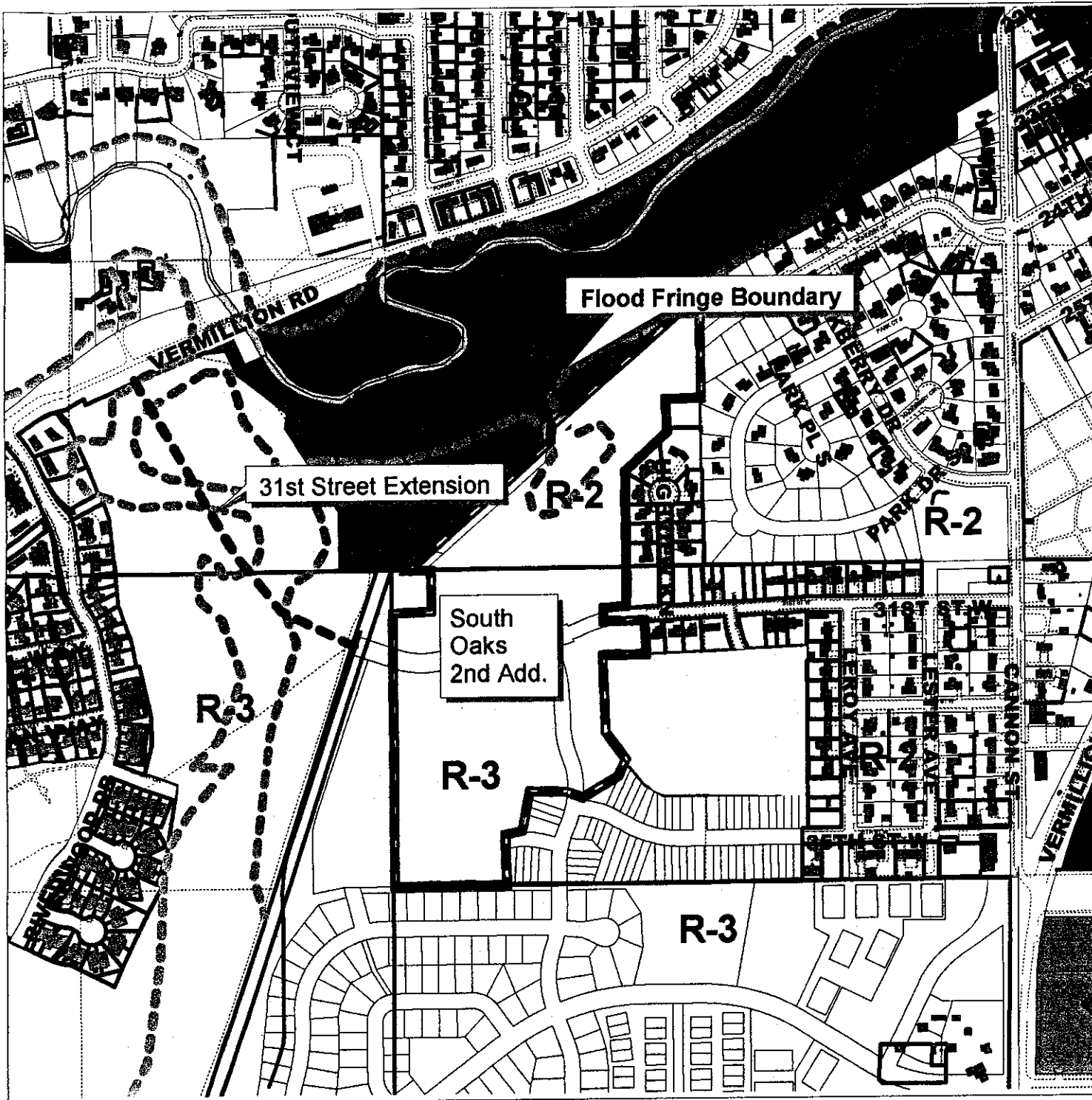
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 4th day of August, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
City Clerk

(SEAL)

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

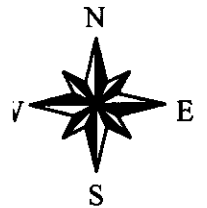
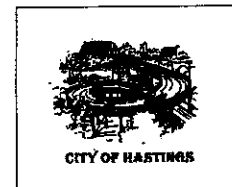
South Oaks 2nd Add



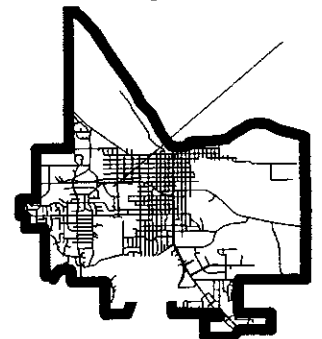
Legend

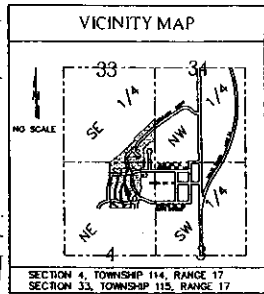
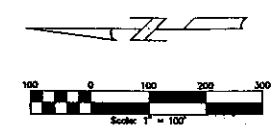
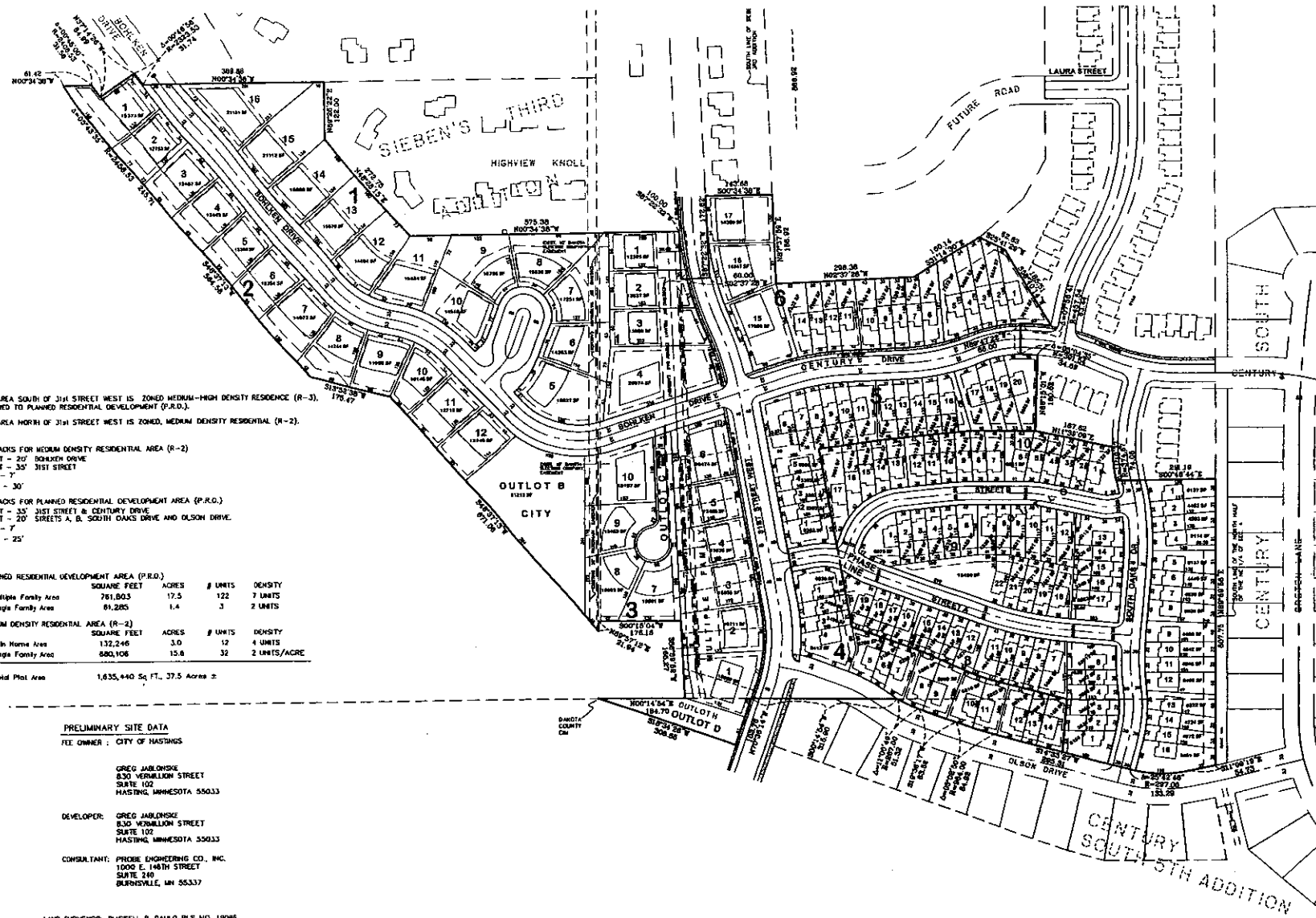
- | | | | |
|--------------------------|------------------|--|------------|
| | City Limits | | R-5 |
| | Water | | R-6 |
| | City Parcels | | COMMERCIAL |
| | Township Parcels | | C-1 |
| Zoning | | | C-2 |
| NATURAL RESOURCES | | | C-3 |
| | A | | C-4 |
| | F-W | | O-1 |
| | WAT | | INDUSTRIAL |
| RESIDENTIAL | | | I-1 |
| | R-1 | | I-2 |
| | R-2 | | OTHER |
| | R-3 | | P-1 |
| | R-4 | | ROW |

Map Date: July 11, 2003



Site Location





NOTES:
 THE AREA SOUTH OF 31st STREET WEST IS ZONED MEDIUM-HIGH DENSITY RESIDENCE (R-3), REZONED TO PLANNED RESIDENTIAL DEVELOPMENT (P.R.D.).
 THE AREA NORTH OF 31st STREET WEST IS ZONED MEDIUM DENSITY RESIDENTIAL (R-2).

SETBACKS FOR MEDIUM DENSITY RESIDENTIAL AREA (R-2)
 FRONT - 20' BOKHEM DRIVE
 FRONT - 35' 31ST STREET
 SIDE - 7'
 REAR - 30'
 SETBACKS FOR PLANNED RESIDENTIAL DEVELOPMENT AREA (P.R.D.)
 FRONT - 35' 31ST STREET & CENTURY DRIVE
 FRONT - 20' STREETS A, B, SOUTH OAKS DRIVE AND OLSON DRIVE
 SIDE - 7'
 REAR - 25'

PLANNED RESIDENTIAL DEVELOPMENT AREA (P.R.D.)				
	SQUARE FEET	ACRES	# UNITS	DENSITY
Multiple Family Area	781,803	17.5	122	7 UNITS
Single Family Area	81,285	1.4	3	2 UNITS

MEDIUM DENSITY RESIDENTIAL AREA (R-2)				
	SQUARE FEET	ACRES	# UNITS	DENSITY
Two- to Four- Unit Area	132,246	3.0	12	4 UNITS
Single Family Area	880,108	15.8	32	2 UNITS/ACRE

Total Plot Area 1,635,440 Sq. Ft., 37.5 Acres ±

PRELIMINARY SITE DATA
 FEI OWNER : CITY OF HASTINGS

GREG JABLONSKIE
 830 VERMILION STREET
 SUITE 102
 HASTING, MINNESOTA 55033

DEVELOPER: GREG JABLONSKIE
 830 VERMILION STREET
 SUITE 102
 HASTING, MINNESOTA 55033

CONSULTANT: PROBE ENGINEERING CO., INC.
 1000 E. 148TH STREET
 SUITE 240
 BURNSVILLE, MN 55337

LAND SURVEYOR: RUSSELL P. DAMO RLS NO. 19086
 CIVIL ENGINEER: DAREN J. MOER PE NO. 40192

PROPERTY DESCRIPTION
 OUTLOTS A, B, C, AND F, SOUTH OAKS OF HASTINGS.
 ALSO OUTLOT H, CENTURY SOUTH,
 ALSO OUTLOT A, CENTURY SOUTH 5TH ADDITION
 ALL According to the Rezoned Plat thereof,
 DAKOTA COUNTY, MINNESOTA

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 148TH STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

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

DATE: _____ REG. NO.: _____

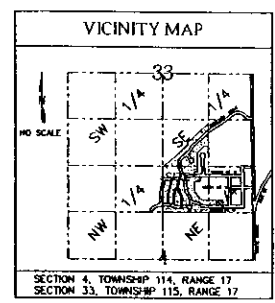
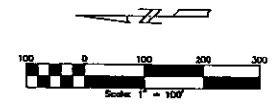
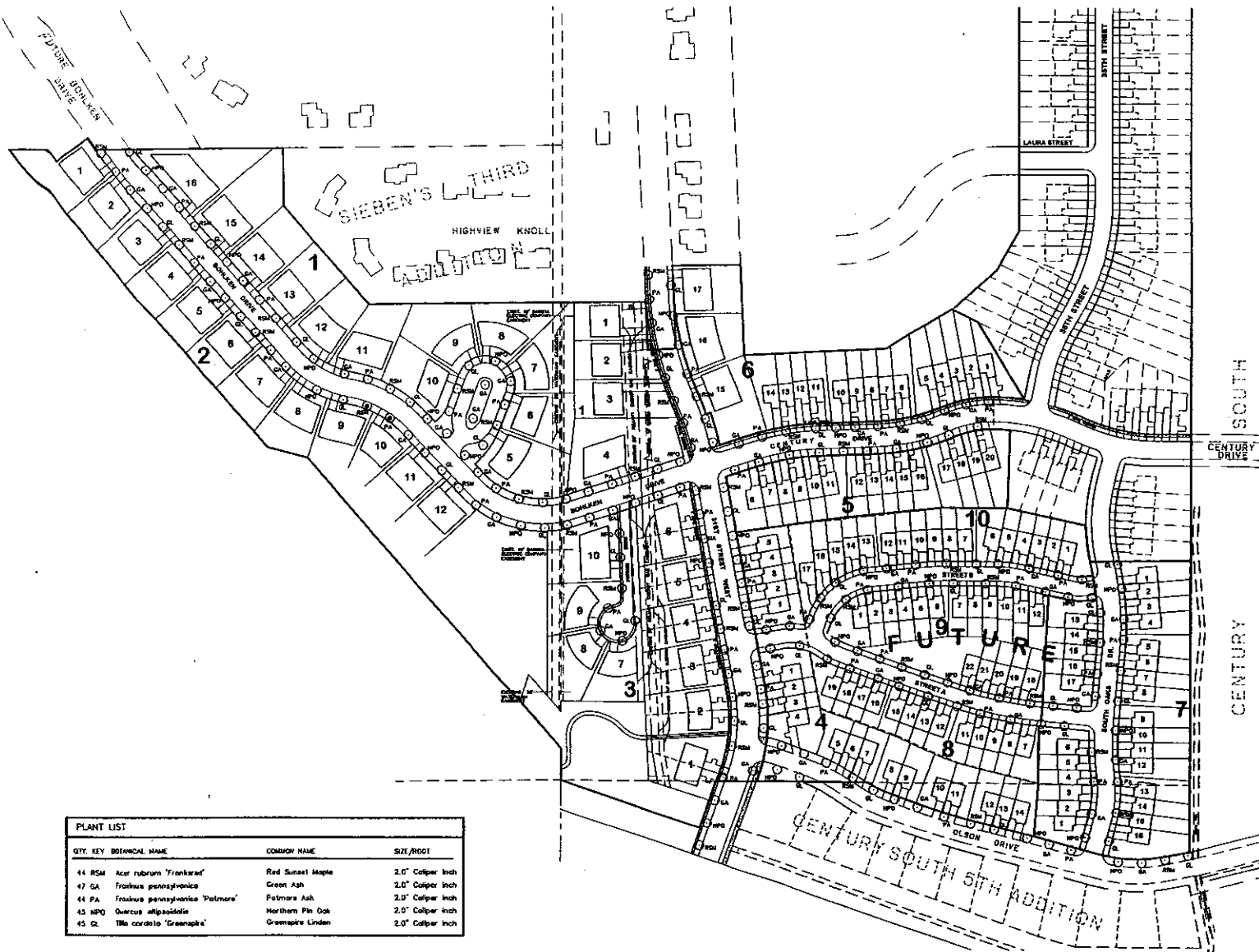
NO.	REVISIONS	DATE
1	8/23/13 108 REVISIONS AS PER CITY REVIEW	

PREPARED FOR:
Greg Jablonskie
 830 Vermilion Street, Suite 102
 Hastings, Mn. 55033

DESIGNED	CHECKED
WJM	
DRAWN	DATE
PJM	08/26/13
SCALE	1"=100'
JOB NO.	10043.00

Preliminary Plat
South Oaks of Hastings 2nd Add.
 Hastings, MINNESOTA

SHEET NO. **1**
 REV. **2**



PLANT LIST			
QTY	BOTANICAL NAME	COMMON NAME	SIZE/ROOT
44	RSM Acer rubrum 'Frankford'	Red Sunset Maple	2.0" Caliper Inch
47	GA Fraxinus pennsylvanica	Green Ash	2.0" Caliper Inch
44	PA Fraxinus pennsylvanica 'Palmore'	Palmore Ash	2.0" Caliper Inch
43	NPO Quercus alleghaniensis	Northern Pin Oak	2.0" Caliper Inch
45	CL Tilia cordata 'Greenspire'	Greenspire Linden	2.0" Caliper Inch

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 140th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ REG. NO. _____

REVISIONS	

PREPARED FOR:
Greg Jablonske
 830 Vermillion Street Suite 102
 Hastings, Mn. 55033

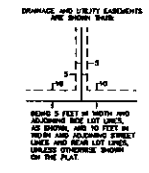
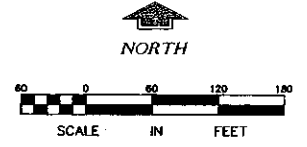
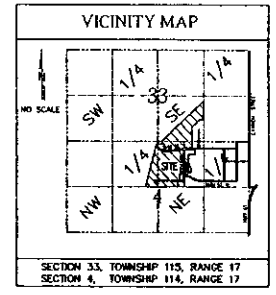
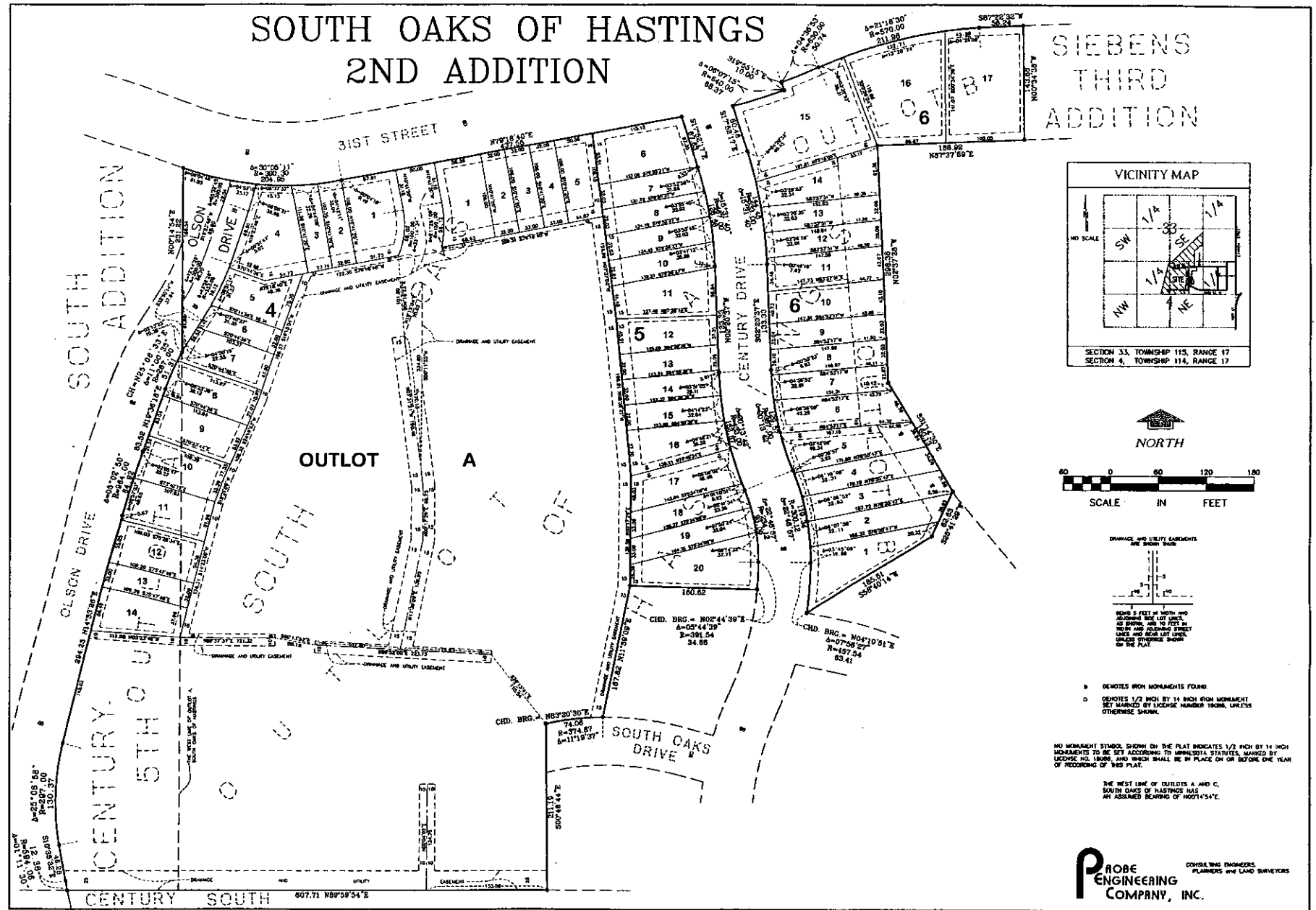
DESIGNED	DATE
DRAWN	DATE
SCALE	
1" = 100'	
JOB NO.	
112000	

Landscape Plan
South Oaks of Hastings 2nd Addn.

SHEET NO. **2**
 OF **2**
 Minnesota

SOUTH OAKS OF HASTINGS 2ND ADDITION

SIEBENS
THIRD
ADDITION



- B DENOTES IRON MONUMENTS FOUND
- D DENOTES 1/2 INCH BY 1 1/2 INCH FROM MONUMENT SET MARKED BY LICENSE NUMBER 19088, UNLESS OTHERWISE SHOWN.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES 1/2 INCH BY 1 1/2 INCH MONUMENTS TO BE SET ACCORDING TO MINNESOTA STATUTES, MARKED BY LICENSE NO. 19088, AND WHICH SHALL BE IN PLACE ON OR BEFORE ONE YEAR OF RECORDING OF THIS PLAT.

THE WEST LINE OF OUTLOTS A AND C, SOUTH OAKS OF HASTINGS HAS AN ASSIGNED BEARING OF N00°15'41"E.

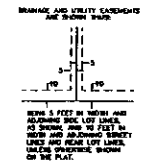
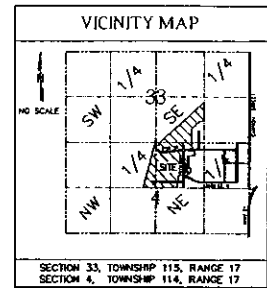
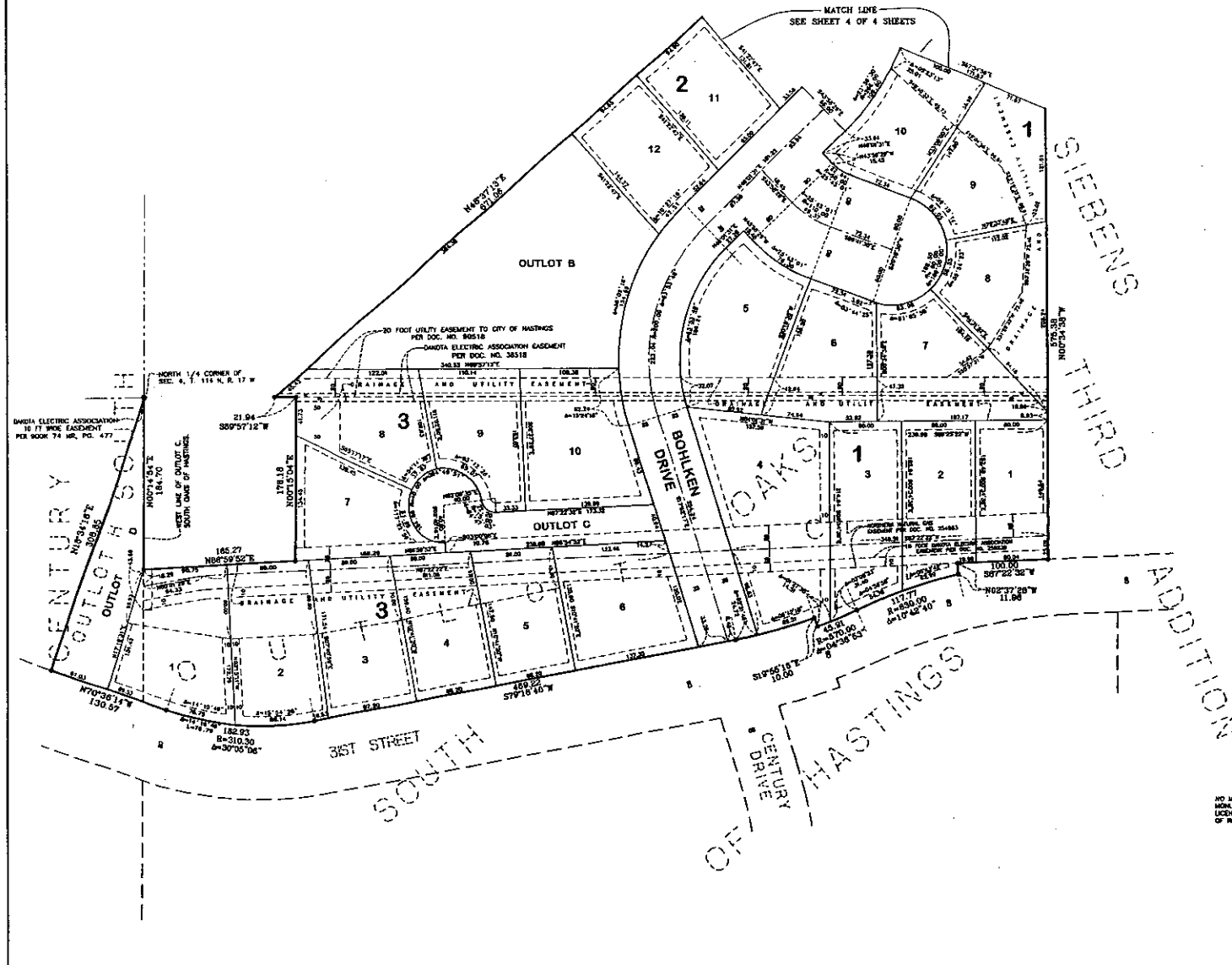
P
PROBE
ENGINEERING
COMPANY, INC.

CONSULTING ENGINEERS,
PLANNERS AND LAND SURVEYORS

SHEET 2 OF 4 SHEETS

CC Copy 7/30/03

SOUTH OAKS OF HASTINGS 2ND ADDITION



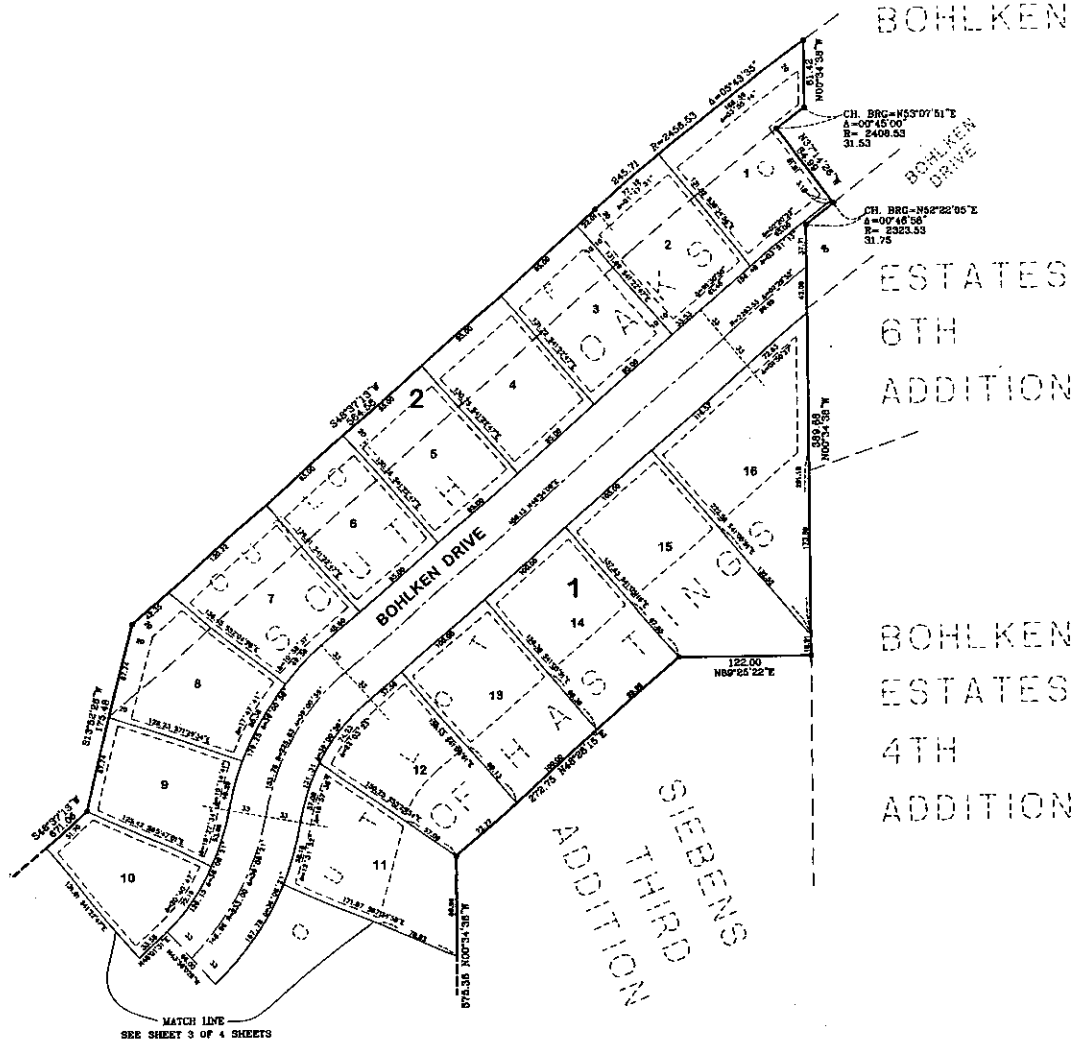
- DENOTES IRON MONUMENTS FOUND.
- DENOTES 1/2 INCH BY 1 1/2 INCH IRON MONUMENT SET MARKED BY LICENSE NUMBER 19008, UNLESS OTHERWISE SHOWN.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES 1/2 INCH BY 1 1/2 INCH MONUMENTS TO BE SET ACCORDING TO ILLINOIS STATUTES, MARKED BY LICENSE NO. 19008, AND WHICH SHALL BE IN PLACE ON OR BEFORE ONE YEAR OF RECORDING OF THIS PLAT.

THE WEST LINE OF OUTLOTS A AND C, SOUTH OAKS OF HASTINGS HAS AN ASSUMED BEARING OF N00°14'54"E.

PROBE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS, PLANNERS AND LAND SURVEYORS

SOUTH OAKS OF HASTINGS 2ND ADDITION

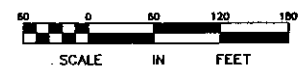
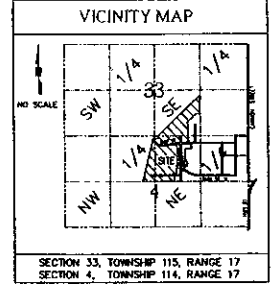


BOHLKEN

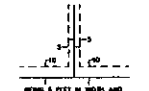
ESTATES
6TH
ADDITION

BOHLKEN
ESTATES
4TH
ADDITION

SIEBENS
ADDITION
THIRD



DRAINAGE AND UTILITY EASEMENTS
SEE SEWER MAP



SHOW A FEET IN HIGH AND
ADJOINING NEIGHBORLY LINES
AS SHOWN AND SET IN
HIGH AND ADJOINING STREET
LINES AND NEIGHBORLY LINES
UNLESS OTHERWISE SHOWN
ON THE PLAN.

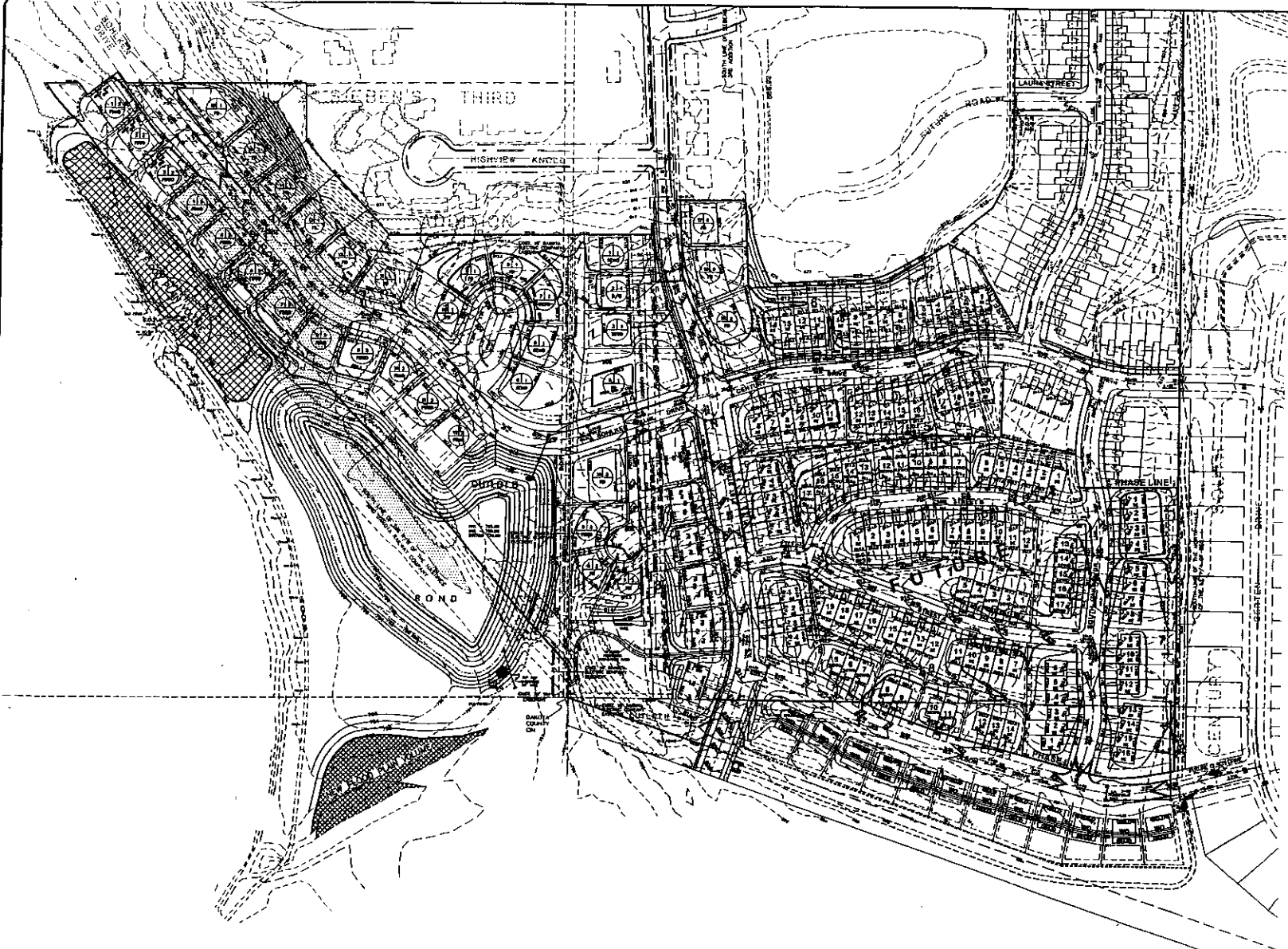
- DENOTES IRON MONUMENTS FOUND.
- DENOTES 1/2 INCH BY 1 1/2 INCH IRON MONUMENT SET MARKED BY LICENSE NUMBER FROM, UNLESS OTHERWISE SHOWN.

NO MONUMENT STUBS SHOWN ON THE PLAN INDICATES 1/2 INCH BY 1 1/2 INCH MONUMENTS TO BE SET ACCORDING TO MINNESOTA STATUTES, MARKED BY LICENSE NO. FROM, AND WHICH SHALL BE IN PLACE ON OR BEFORE ONE YEAR OF RECORDING OF THIS PLAN.

THE WEST LINE OF OUTLOTS A AND C,
SOUTH OAKS OF HASTINGS HAS
AN ASSUMED BEARING OF 100°14'54"E.

PROBE
ENGINEERING
COMPANY, INC.

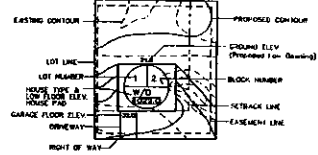
CONSULTING ENGINEERS,
PLANNERS and LAND SURVEYORS



LEGEND

- DENOTES PROPOSED INDEX CONTOUR
- DENOTES PROPOSED INTERMEDIATE CONTOUR
- DENOTES EXISTING INDEX CONTOUR
- DENOTES EXISTING INTERMEDIATE CONTOUR
- DENOTES PROPOSED STORM SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED SBT FENCE
- DENOTES PROPOSED PHASE LINE
- DENOTES NORMAL WATER LEVEL
- DENOTES EXISTING TREE LINE
- DENOTES EMERGENCY OVERFLOW
- DENOTES PROPOSED GRADING LIMITS

ILLUSTRATION KEY



INDEX	
1	OVERALL GRADING PLAN
2	50 SCALE NORTHERN SECTION
3	50 SCALE SOUTH EAST SECTION
4	50 SCALE SOUTH WEST SECTION
5	POND AREA
6	FLOOD PLAN
7	TREE PRESERVATION PLAN
8	DETAIL PLAN

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 146th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ REG. NO. 50117

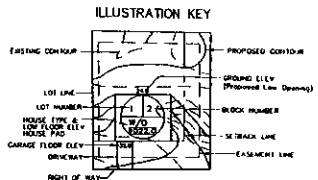
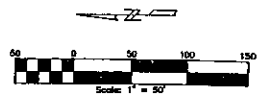
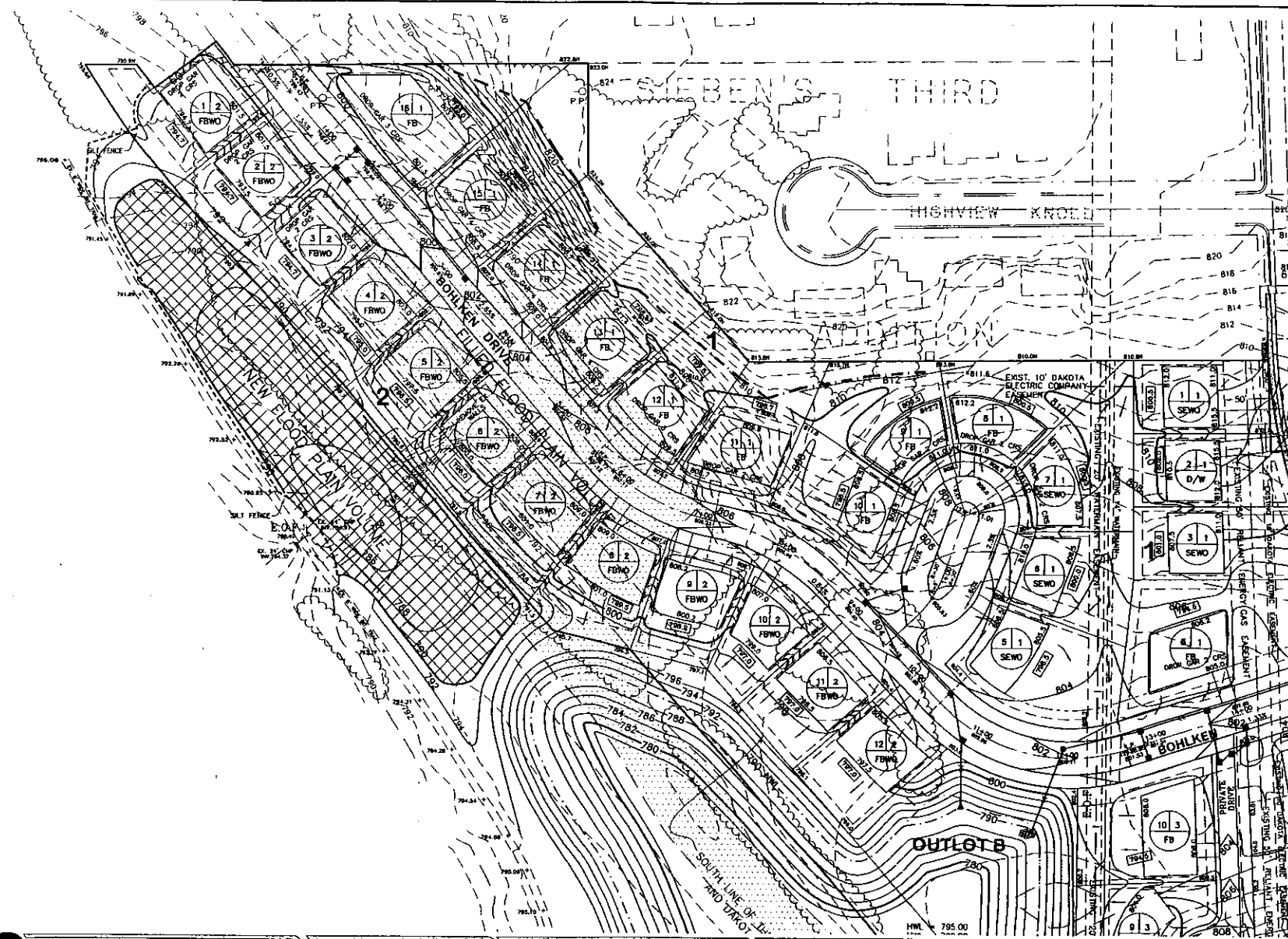
REVISIONS	
8	7/28/03 PREPARED TREE PRESERVATION PLAN
5	7/17/03 REVISED GRADING LIMITS
4	12/11/02 PER REVISED PER CITY REVIEW
3	10/30/02 PREPARED FLOOD PLAN
2	6/23/02 PER REVISION AS PER CITY REVIEW
1	10/2/02 REVISED PER CITY STAFF REVIEW

PREPARED FOR:
Greg Jablonske
 830 Vermilion Street Suite 102
 Hastings, Mn. 55033

DESIGNED	DRAWN
DATE: 12-19-02	DATE: _____
SCALE: 1" = 50'	SCALE: _____
JOB NO: 1330-02	JOB NO: _____

Grading Plan
South Oaks of Hastings 2nd Add.
 HASTINGS, MINNESOTA

SHEET NO. **1**
 OF **8**



- ### LEGEND
- DENOTES PROPOSED INDEX CONTOUR
 - DENOTES PROPOSED INTERMEDIATE CONTOUR
 - DENOTES EXISTING INDEX CONTOUR
 - DENOTES EXISTING INTERMEDIATE CONTOUR
 - DENOTES PROPOSED STORM SEWER
 - DENOTES EXISTING STORM SEWER
 - DENOTES PROPOSED S&T FENCE
 - DENOTES EXISTING PHASE LINE
 - DENOTES NORMAL WATER LEVEL
 - DENOTES EXISTING TREE LINE
 - DENOTES EMERGENCY OVERFLOW
 - E.O.F. 107.0 DENOTES LOWEST ALLOWABLE FLOOR ELEVATION
 - DENOTES PROPOSED GRADING LIMITS

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS, PLANNERS and LAND SURVEYORS
 1000 EAST 148th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: JUL 10, 2012

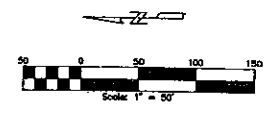
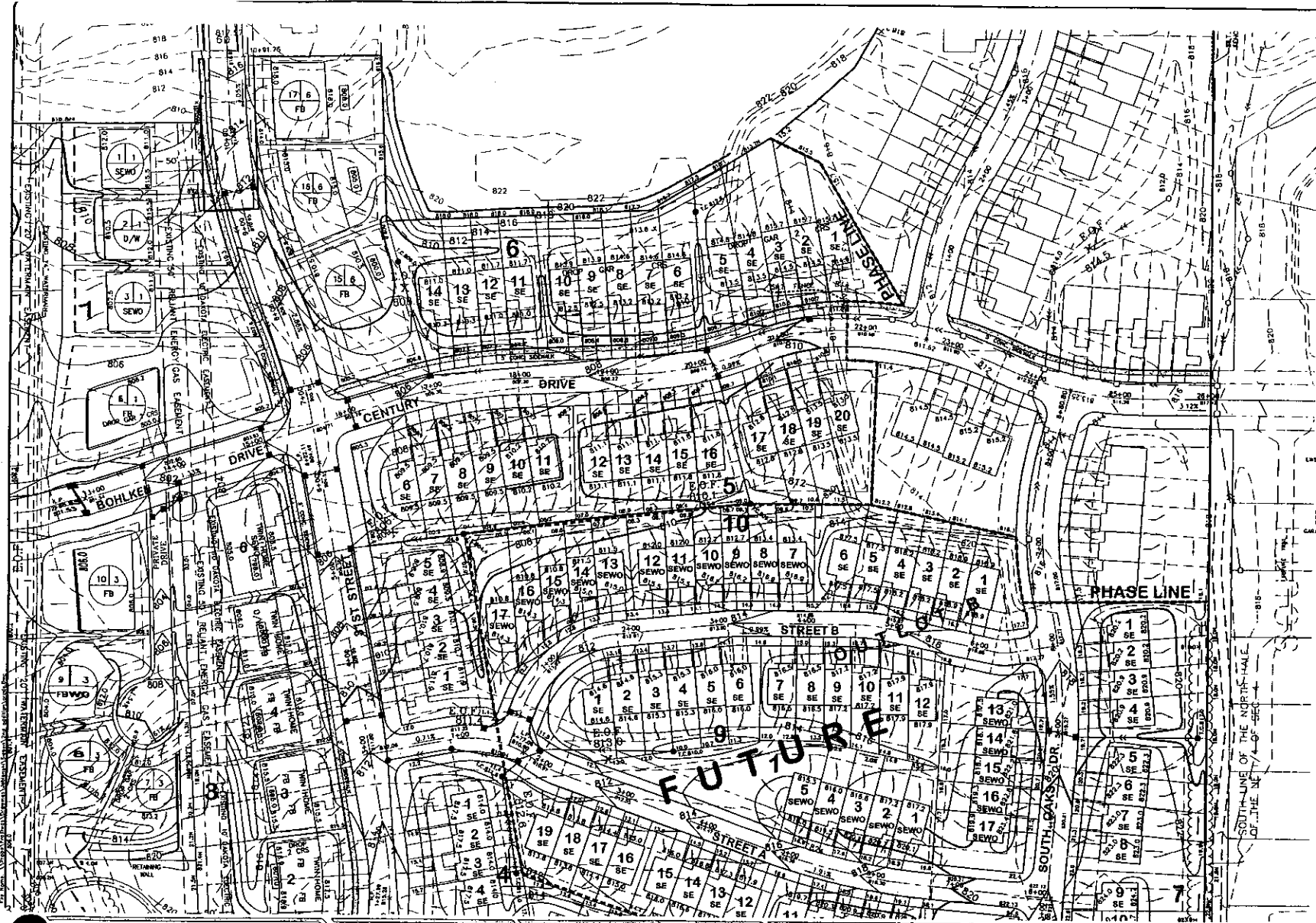
REVISIONS	
1	8/17/03 PERMITTED TREE PRESERVATION PLAN
2	3/17/03 PERMITTED GRADING LIMITS
3	12/11/03 PERMITTED PER CITY REVIEW
4	6/30/03 PERMITTED FLOOD PLAN
5	2/6/03 PERMITTED AS PER CITY REVIEW
6	1/5/03 PERMITTED PER CITY STAFF REVIEW

PREPARED FOR:
Greg Jablonske
 830 Vermillion Street Suite 102
 Hastings, Mn 55033

REVISION	CHECKED
DATE	DATE
SCALE	SCALE
JOB NO	JOB NO
11276.00	

Grading Plan
South Oaks of Hastings 2nd Add.
 Hastings, Minnesota

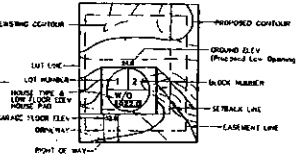
SHEET NO. **2** OF **8**



LEGEND

- DENOTES PROPOSED INDEX CONTOUR
- DENOTES PROPOSED MISINTERMEDIATE CONTOUR
- DENOTES EXISTING INDEX CONTOUR
- DENOTES EXISTING INTERMEDIATE CONTOUR
- DENOTES PROPOSED STORM SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED SALT FENCE
- DENOTES PROPOSED PHASE LINE
- DENOTES NORMAL WATER LEVEL
- DENOTES EXISTING TREE LINE
- DENOTES EMERGENCY OVERTFLOW
- DENOTES LOWEST ALLOWABLE FLOOR ELEVATION

ILLUSTRATION KEY



PROBE
ENGINEERING
COMPANY, INC.
CONSULTING ENGINEERS,
PLANNERS and LAND SURVEYORS
9 000 EAST 14th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS
PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY
REGISTERED ENGINEER
UNDER THE LAWS OF THE STATE
OF MINNESOTA.
DATE: _____ REG. NO. 0812

NO.	REVISIONS
5/1/2013	PROVIDED TREE PRESERVATION PLAN
4/17/13	PROVIDED PER CITY REVIEW
3/18/2013	PROVIDED FLOOD PLAN
2/5/23/13	REVISION AS PER CITY REVIEW
1/15/13	APPROVED PER CITY STAFF REVIEW

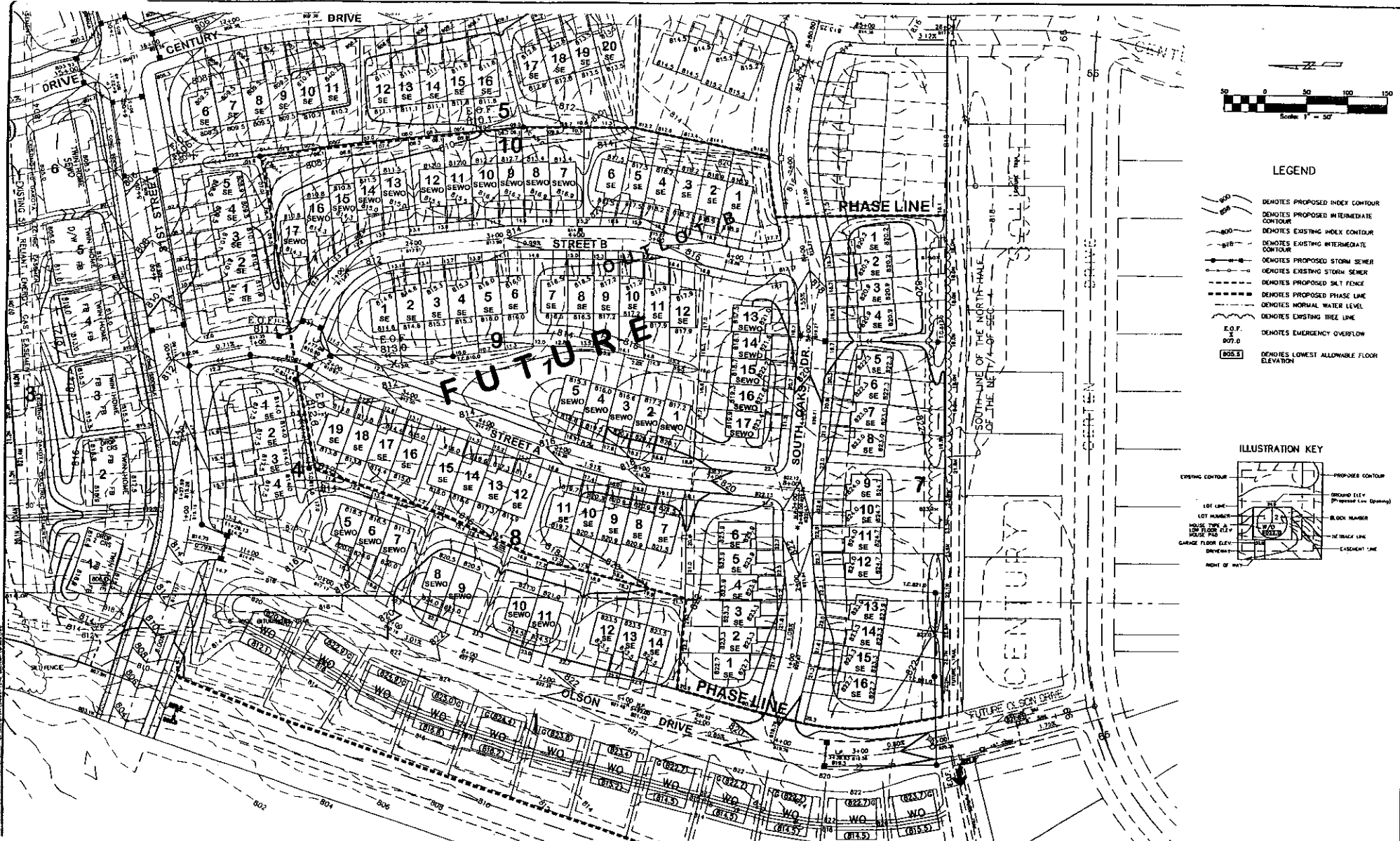
PREPARED FOR:
Greg Joblonske
830 Vermillion Street Suite 102
Hastings, Mn 55033

DESIGNED	CHECKED
DATE	DATE
12-29-07	
SCALE	
1" = 50'	
JOB NO.	
11376.08	

Grading Plan
South Oaks of Hastings 2nd Add.

Hastings, Minnesota

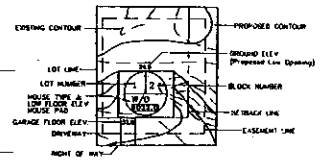
SHEET	REV
3	8



LEGEND

- DENOTES PROPOSED INDEX CONTOUR
- DENOTES PROPOSED INTERMEDIATE CONTOUR
- DENOTES EXISTING INTERMEDIATE CONTOUR
- DENOTES PROPOSED STORM SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED SALT FENCE
- DENOTES PROPOSED PHASE LINE
- DENOTES NORMAL WATER LEVEL
- DENOTES EXISTING TREE LINE
- DENOTES EMERGENCY OVERTFLOW
- DENOTES LOWEST ALLOWABLE FLOOR ELEVATION

ILLUSTRATION KEY



PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 148th STREET, BURNSVILLE, MINNESOTA 55337 PH (652)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A GRADUATE REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ REG. NO. 58334

REVISIONS	
5/17/03	PROPOSED TREE PRESERVATION PLAN
4/17/03	PROCESSED PER CITY REVIEW
3/3/03	PROPOSED FLOOD PLAN
2/5/03	CON REVISION AS PER CITY REVIEW
1/5/03	ENHANCED PER CITY STAFF REVIEW

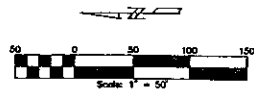
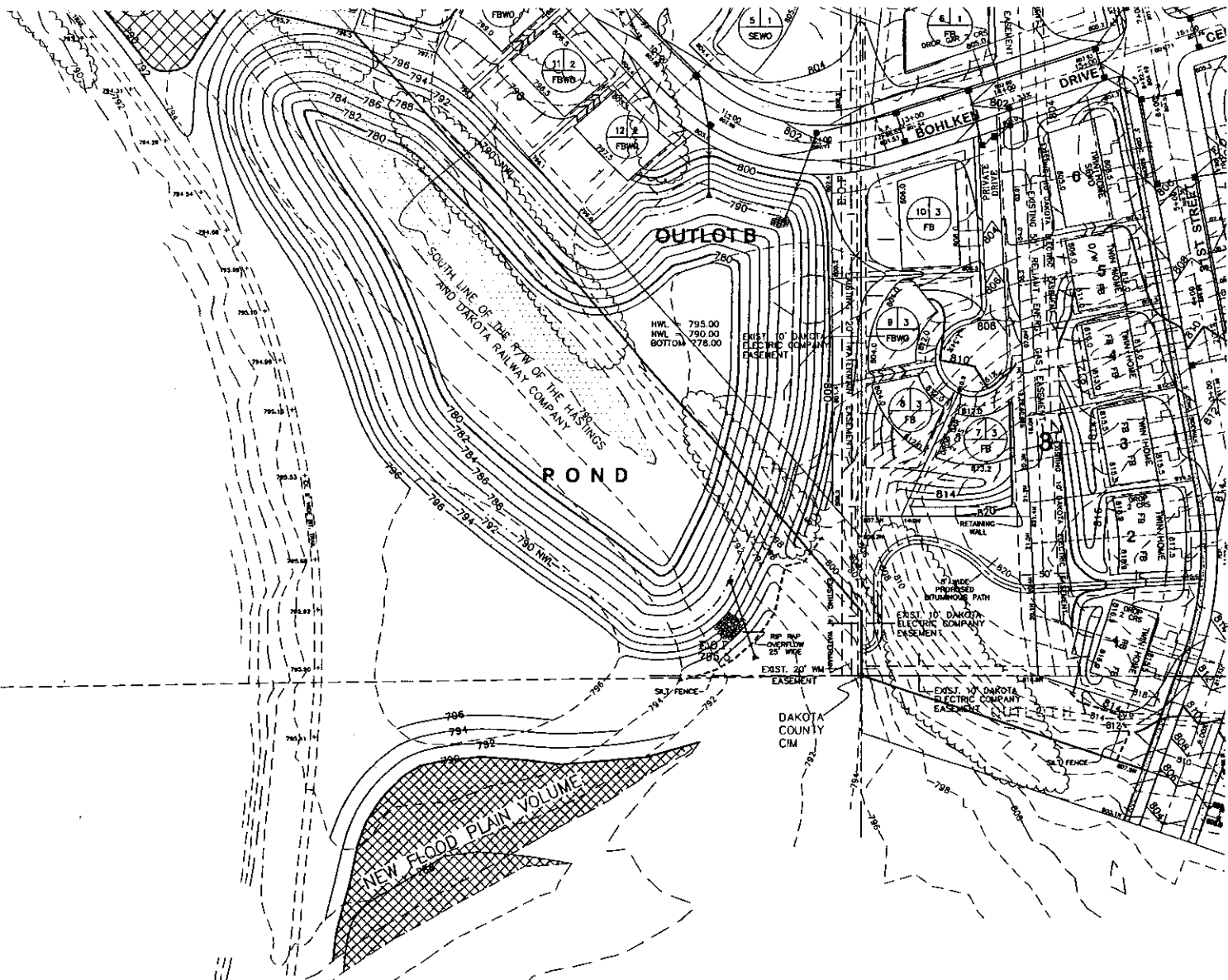
PREPARED FOR:
 Greg Jablonske
 530 Vermillion Street Suite 102
 Hastings, Mn 55033

DESIGNED	CHECKED
DATE	DATE
12-20-02	
SCALE	SCALE
1" = 50'	
JOB NO.	
1137000	

Grading Plan
South Oaks of Hastings 2nd Add.

SHEET NO. **4**
 OF **8**

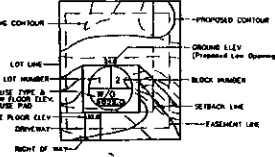
Hastings, Minnesota



LEGEND

- DENOTES PROPOSED INDEX CONTOUR
- DENOTES PROPOSED INTERMEDIATE CONTOUR
- DENOTES EXISTING INDEX CONTOUR
- DENOTES EXISTING INTERMEDIATE CONTOUR
- DENOTES PROPOSED STORM SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED PHASE LINE
- DENOTES NORMAL WATER LEVEL
- DENOTES EXISTING TREE LINE
- DENOTES EMERGENCY OVERTFLOW
- DENOTES LOWEST ALLOWABLE FLOOR ELEVATION

ILLUSTRATION KEY



PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 146TH STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: JRG NO. 0811

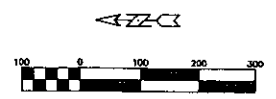
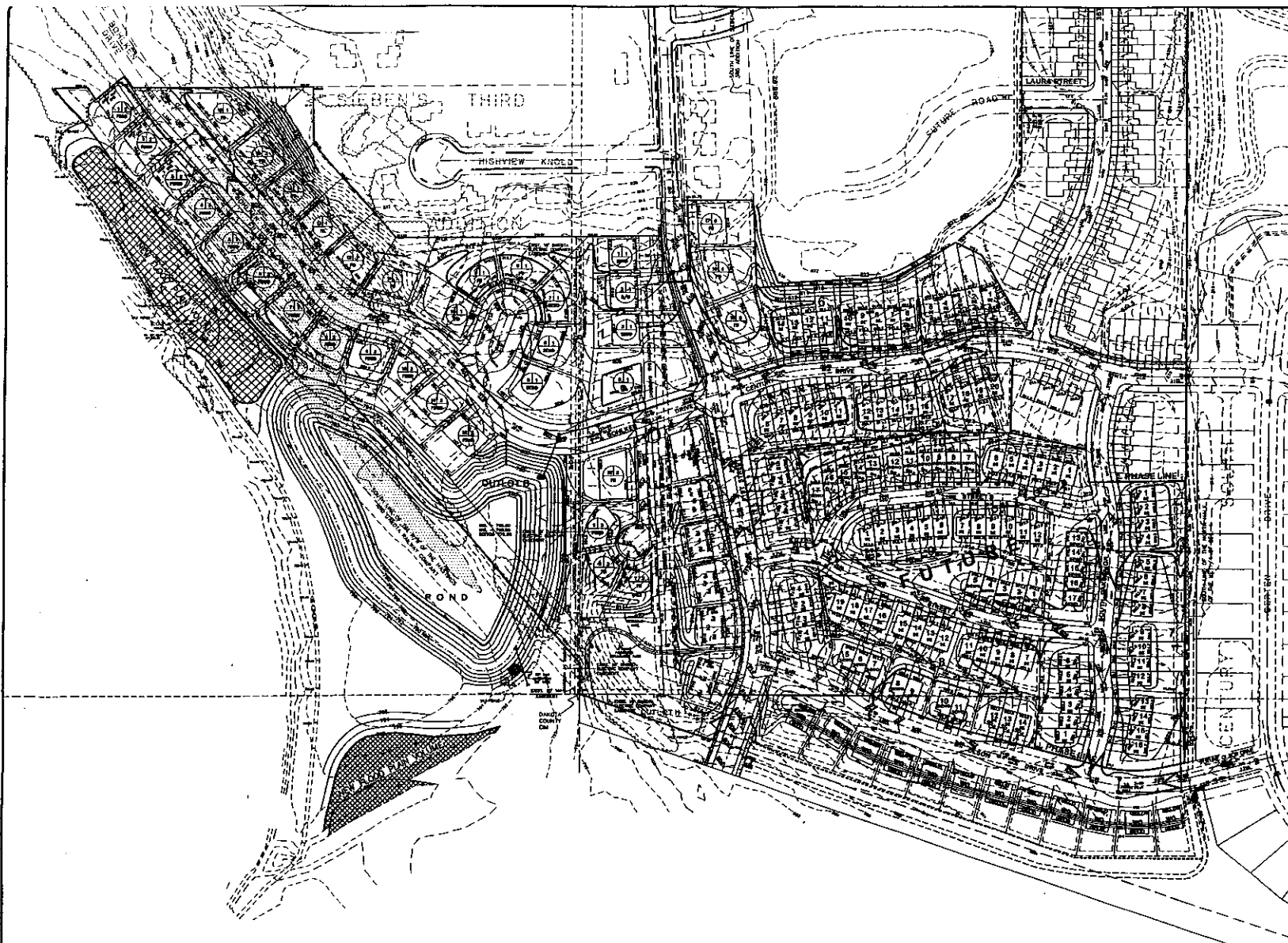
REVISIONS	
3	1/28/03 P&E ADDED TREE PRESERVATION PLAN
4	1/13/03 P&E REVISIONS PER CITY REVIEW
3	1/30/03 P&E ADDED FLOOD PLAN
2	8/23/03 K&E REVISION AS PER CITY REVIEW
1	1/5/03 P&E REVISION PER CITY STAFF REVIEW

PREPARED FOR:
Greg Jablonske
 830 Vermilion Street Suite 102
 Hastings, Mn 55033

DESIGNED	CHECKED
DATE: 12-20-01	
SCALE: 1" = 50'	
JOB NO: 1137000	

Pond Plan
South Oaks of Hastings 2nd Add.
 Hastings, Minnesota

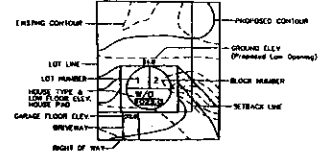
SHEET	REV
5	
8	



LEGEND

- DENOTES PROPOSED INDEX CONTOUR
- DENOTES EXISTING INDEX CONTOUR
- DENOTES EXISTING INTERMEDIATE CONTOUR
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING STORM FENCE
- DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED PHASE LINE
- DENOTES NORMAL WATER LEVEL
- DENOTES EXISTING TREE LINE
- DENOTES EMERGENCY OVERTFLOW

ILLUSTRATION KEY



FLOOD PLAIN ELEVATION=790
 FLOOD PLAIN VOLUME AREA
 FILLED FLOOD PLAIN AREA=3.75 AC-FT
 NEW FLOOD PLAIN AREA=3.85 AC-FT

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS,
 PLANNERS and LAND SURVEYORS
 1000 EAST 148th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LEGITIMATE REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ REG. NO. 50112

REVISIONS	
1	7/11/03 PMH REVISED PER CITY REVIEW
2	7/28/03 PMH ADDED TREE PRESERVATION PLAN

PREPARED FOR:
Greg Jablonske
 830 Vermilion Street Suite 102
 Hastings, Mn. 55033

DESIGNED	CHECKED
BY: _____	DATE: 6/25/03
SCALE: 1"=100'	
200 HOURS	11390.00

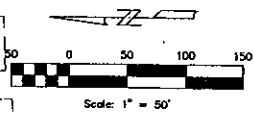
Flood Plain Plan
South Oaks of Hastings 2nd Add.
 HASTINGS, MINNESOTA

SHEET 6 OF 8

STEBEN'S THIRD

HIGHVIEW KNOLL

ADDITION



- LEGEND**
- DENOTES PROPOSED INDEX CONTOUR
 - DENOTES PROPOSED INTERMEDIATE CONTOUR
 - DENOTES EXISTING INDEX CONTOUR
 - DENOTES EXISTING INTERMEDIATE CONTOUR
 - DENOTES PROPOSED STORM SEWER
 - DENOTES EXISTING STORM SEWER
 - DENOTES PROPOSED SILT FENCE
 - DENOTES PROPOSED PHASE LINE
 - DENOTES NORMAL WATER LEVEL
 - DENOTES EXISTING TREE LINE
 - DENOTES EMERGENCY OVERFLOW
 - DENOTES PROPOSED GRADING LIMITS
 - DENOTES TREE FENCE
 - DENOTES LOCATED TREES

TREES SAVED

TAG #	SPECIES
2	boxelder
4	ash, green
5	boxelder
6	boxelder
78	ash, green
80	ash, green
91	ash, American
92	ash, green
93	boxelder
94	boxelder
95	ash, green
96	ash, green
97	ash, green
98	ash, green
99	ash, green
100	ash, green
101	ash, green
105	ash, green
106	boxelder
107	ash, green
108	boxelder
109	boxelder
110	boxelder
111	boxelder
112	boxelder
113	boxelder
114	boxelder
119	boxelder
120	boxelder
121	boxelder

TOTAL TREES LOCATED - 291
 TOTAL TREES REMOVED - 259
 TOTAL TREES SAVED - 30
 TOTAL TREES OFF SITE - 2

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS, PLANNERS and LAND SURVEYORS
 1000 EAST 145th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000

I HEREBY CERTIFY THAT THIS PLAN 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 MINNESOTA.

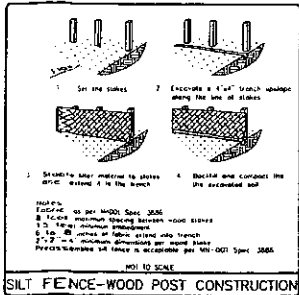
DATE _____ REC. NO. _____

PREPARED FOR:
 Greg Jablonske
 830 Vermilion Street Suite 102
 Hastings, Mn. 55033

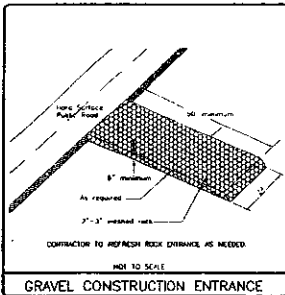
DESIGNED BY: _____
 CHECKED BY: _____
 DATE: 7/29/02
 SCALE: 1" = 50'
 JOB NO.: 11376.00

TREE PRESERVATION PLAN
 South Oaks of Hastings 2nd Add.
 HASTINGS, MINNESOTA

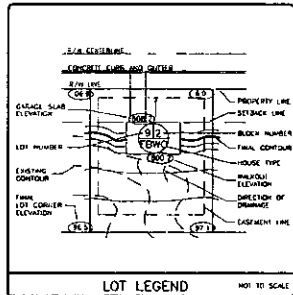
SHEET NO. 7 OF 8



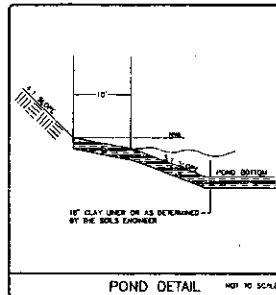
SILT FENCE-WOOD POST CONSTRUCTION



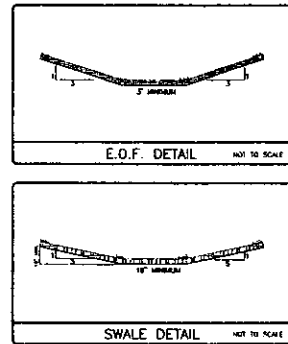
GRAVEL CONSTRUCTION ENTRANCE



LOT LEGEND

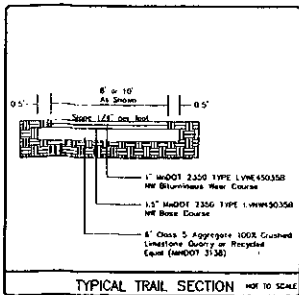


POND DETAIL

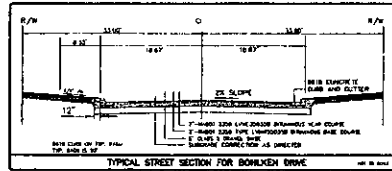


CONSTRUCTION NOTES

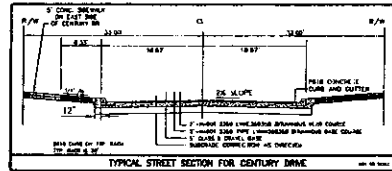
- Silt fence shall be placed as shown on this plan and at other locations as directed by the engineer and shall be in place prior to any construction of excavation. Silt fence shall be maintained until water full or ground cover has been established. Payment for silt fence shall be on a per linear foot basis and shall include the installation, removal and waste disposal thereof at the direction of the Engineer. Additional erosion control such as temporary sanding, dikes, haybales, etc. may be required during construction by the City of Hastings, and the Contractor shall assist in constructing these measures incidental to the grading.
- Soil stabilizers must be stabilized and protected with sediment trapping measures to prevent soil loss. These measures shall be incidental to the grading.
- All construction shall conform to local and state rules.
- The Contractor is to contact Gopher Stone One Call at 454-0602 prior to any excavation.
- Refer to the lot plan for current horizontal site dimensions, layout and lot and block numbers.
- The site must be kept in a well-drained condition at all times. The Contractor shall be responsible for temporary ditches, piping, or other means required to ensure proper drainage during construction. Low points in roadways must be provided with a positive outflow.
- All streets disturbed during working hours must be cleaned of the end of each working day. A rock construction entrance to the site must be provided and maintained by the contractor.
- All grades areas, shall be seeded with MUDOT 3876 mixture No 500 in accordance with MUDOT 2575 at the application rate of 75 pounds per acre. Type 1 mulch, disc anchored, at the rate of 2 tons per acre. All disturbed ground left inactive for fourteen or more days shall be stabilized by mulching and seeding, or sodding (only available prior to September 15) and/or by mulching or covering or other equivalent control measure. Straw, hay or other vegetation mulch shall be disc anchored, bankable or other approved covering shall be anchored in accordance with the manufacturer's specifications.
- The roadway subgrade shall be test rolled prior to placement of aggregate; use
- The aggregate base shall be test rolled prior to placement of bituminous base
- Contractor Shall Refresh Gravel Construction Entrances as Directed
- City of Hastings May be Present During Soils Testing and May Remove test Rolling Over Subgrade.



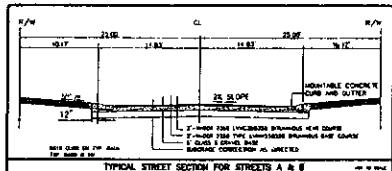
TYPICAL TRAIL SECTION



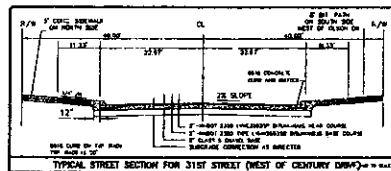
TYPICAL STREET SECTION FOR BONHKEN DRIVE



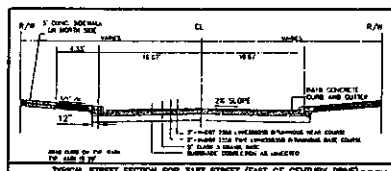
TYPICAL STREET SECTION FOR CENTURY DRIVE



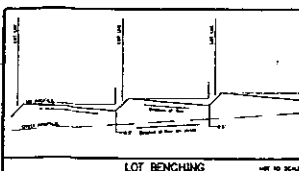
TYPICAL STREET SECTION FOR STREETS A & B



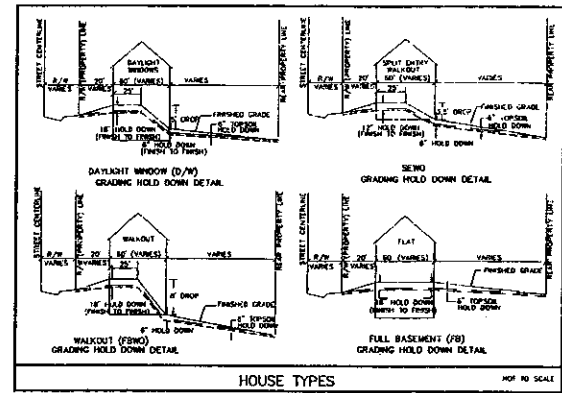
TYPICAL STREET SECTION FOR 31ST STREET (WEST OF CENTURY DRIVE)



TYPICAL STREET SECTION FOR 31ST STREET (EAST OF CENTURY DRIVE)



LOT BENCHING



PROFE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS, PLANNERS and LAND SURVEYORS
1000 EAST 146th STREET, BURNSVILLE, MINNESOTA 55337 PH (952)432-3000 FAX (952)432-3001

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE: 1/13/2015
NAME: MCE 4050327

NO.	REVISIONS
1	1/13/2015
2	1/13/2015
3	1/13/2015
4	1/13/2015
5	1/13/2015
6	1/13/2015
7	1/13/2015
8	1/13/2015
9	1/13/2015
10	1/13/2015

PREPARED FOR:
GREG JABLONSKA
830 VERMILLION STREET SUITE 102
HASTINGS, MN 55033

DESIGNED	CHECKED
DATE: 1/13/2015	
SCALE: 1"=30'	
JOB NO: 11370-00	

Detail Sheet
South Oaks of Hastings 2nd Add.
HASTINGS, MINNESOTA

SHEET	REV
8	
8	

- 21) Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
- 22) 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

Upon vote taken: Ayes: 6, Nays: 0. Motion passed.

4. **Greg Jablonske** – South Oaks 2nd Addition – Century Drive and 31st Street.
 - a) Preliminary & Final Plat #2003-41 to subdivide single and multiple-family units.
 - b) Special Use Permit #2003-49 – Floodplain Use Permit to place fill on lots along Bohlken Drive.

Director Hinzman provided background information on both items.

Chairman Anderson opened the public hearing at 8:28 pm.

Jeff Kelly, 3025 Highview Knoll asked if the street improvements were planned for this year, whether this area was within a watershed area, what FEMA's requirements were, how deep the boulevard is along 31st Street, if the sidewalk is in the easement, and whether the applicant will be filling in a pond.

Director Hinzman stated that no traffic studies have been done, but that both 31st Street and 36th Street are identified as necessary connections in the road system. He added that the existing flood area is identified on FEMA maps, and that certification to FEMA of the change in flood area may be necessary prior to home construction on those lots. He added that the proposed sidewalk is 5' wide, a trail would be 8'-10' wide, and that the applicant is creating storage space to make up for the filling.

Joe Bocce, 3558 Greten Lane, stated that he was concerned about the land trade and felt that the City could be getting a greater value for the land. He also feels the City is grossly underestimating the traffic on 31st Street. He suggested that the City develop the street as a parkway to reduce speeds, as it will become a shortcut for casino traffic. He added that the park in Century South is inadequate, with children waiting to get on the play equipment, and that there is a problem with poor behavior of unsupervised children from the lower priced homes. He also asked if the Planning Commission can regulate aesthetic issues.

Chairman Anderson responded that to a point the City can review and comment on aesthetic issues.

Mr. Bocce asked what the units along Olson Drive would look like and what their price point would be.

Greg Jablonske, applicant, stated that the units along Olson Drive would be in the \$165,000 price range, and that it was a new product, and not like the units currently being constructed by MW Johnson along 35th Street.

Matt Schuster, future Olson Drive resident, expressed concern that the lots were being split, and questioned why there were no parks in the South Oaks area.

Mr. Jablonske stated that the units would probably be a split level style, and that the City chose to accept cash in lieu of land for the South Oaks Development.

Mr. Kelly questioned what 36th Street would be connected to, and where the money from the South Oaks park fees would go.

Director Hinzman explained road connections in the area, and stated that the NRRC determines where the money goes, and tries to keep it within the same ward.

Paul Mocher, 18910 Plan Avenue, Ravenna Township, stated that he had recently purchased Lot 1, Block 1, Bohlken's 6th Addition, which is the last lot on the north side of Bohlken Drive and will be adjacent to the South Oaks development. He expressed concern because of a portion of the South Oaks Development will protrude behind his lot.

Jeff McCauley, 788 South Park Drive, expressed concern with the existing wooded area through which Bohlken Drive will continue, and asked what the costs of the lots would be in that area. He also asked how it is decided which trees will be removed.

Mr. Jablonske stated that he anticipated the costs would run about \$100,000 each. He stated that some of the trees would be removed for grading purposes, but that there would be a 20' easement at the rear of each property to conserve the trees and prohibit clear cutting.

Dan Mattimiro, 114 25th Street West, questioned the reasons no traffic studies had been done, was interested in the amounts of run-off to the Vermillion River, and how does this development impact the school district and the potential need for a new school. He felt the City should reject the land trade, as filling in land wrecks trees in the area. The trade may be equal space-wise, but not value-wise.

Chairman Anderson closed the public hearing at 9:05 pm.

Commissioner Truax asked why this development was being allowed to plat cul-de-sacs.

Director Hinzman stated that cul-de-sacs are allowed if it can be demonstrated that there are physical and/or geographical limitations. In this case, requiring both cul-de-sacs to connect to neighboring streets would mean a number of lots with double or possibly even triple frontage on streets.

Commissioner Twedt asked if the portion of the South Oaks Development that currently is located behind the home in the Bohlken Addition could be sold to the owners of that lot or removed from the land trade.

Director Hinzman stated that the rules regarding LAWCON properties are very strict and that that would probably not be allowed.

Chairman Anderson asked about the status of the wooded area along Bohlken Drive.

Director Hinzman stated that a tree inventory is required to be done and must be approved by the City Forester prior to any work being done in the area.

Mr. Jablonske stated that the issue with the two lots at the meeting point of Bohlken's Addition and the South Oaks development had been tried to resolved earlier, as the City indicated it wanted right angles to the lots.

Planning Commission Action (Plat):

Commissioner Greil moved and Commissioner Hollenbeck seconded a motion to approve the Preliminary and Final Plat for South Oaks 2nd Addition to the City Council, with the following conditions:

Preliminary Plat conditions:

- 1) Cash in lieu of land for park dedication shall be paid at the time and amount established upon final platting
- 2) Sewer interceptor fees shall be paid at the time and amount established upon final platting.
- 3) A tree preservation plan including the identification of significant trees and proposed measures for preservation must be submitted and approved.
- 4) All lots are subject to a 20 foot minimum front and rear yard setback
- 5) Outlot D must be combined with Lot 1, Block 3.
- 6) All lots abutting 31st Street are subject to a 35 foot setback.
- 7) Block 3, Lots 1-6 would contain twin homes on a single lot of record. It is strongly recommended that construction of the units incorporate provision for future subdivision including separate utilities and adequate fire separation.
- 8) A ten foot corner setback for the R-2 and R-3 Districts must be identified on the plan.
- 9) Easements must be delineated on Block 3, Lots 7-10, and Blocks 7-10.
- 10) 35th Street must be labeled on the plat.
- 11) Street names for A & B, and Outlot C will need to be submitted and approved, prior to City Council approval.
- 12) The street width for Outlot C must be identified. It appears the street width may limit the ability for on-street parking, and must be labeled no parking.
- 13) All cul-de-sacs must include landscaped islands. A homeowners 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) Boulevard trees must be setback at least 30 feet from all intersections.
- 16) Approval of the Final Plat shall be contingent upon approval of the floodplain fill permit by the City Council.
- 17) Future construction of homes along Bohlken Drive may also require additional FEMA review and approvals including a Conditional Letter of Map Revision (CLOMR) prior to building construction.

- 18) Final approval of the grading, drainage and utility plans by the Public Works Director. The applicant shall pay for all costs associated with consultant review of the plans and assumes all risks associated with the grading and utility placement prior to formal approvals.
- 19) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
- 20) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 21) Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
- 22) Approval is subject to a one year sunset clause. Approval is null and void if significant work has not commenced within one year of City Council Approval.
- 23) The applicant shall work with the Bohlken Addition developers in an effort to resolve the lot layout issue at the end of the current Bohlken Drive.

Final Plat conditions:

- 1) Adherence to the Conditions of the South Oaks 2nd Addition Preliminary Plat
- 2) Final approval of the lawcon trade must be secured prior to filing of a final plat for the affected property.
- 3) A 20 foot rear yard conservation easement must be approved by the City, and established over the following properties prior to release of Final Plat mylars for recording: Block 1, Lots 11-16; and Block 2, Lots 1-8.
- 4) Development of the platted outlots shall be prohibited until replatted as lots of record.
- 5) 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, 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.
- 6) The following changes shall be made on the final plat mylars prior to signature by the City:
- (a) A trail easement must be established to encompass the existing trail over Block 2, Lot 1.
 - (b) Rear dimension for Block 4, Lot 3 must be correctly identified. Preliminary Plat shows dimension as 32 feet, and Final Plat identifies dimension as 23.74 feet.
 - (c) Front lot widths for Block 4, Lots 6 and 7 must clearly be identified.
 - (d) Rear easements for Block 4, Lots 1-4; and Block 5, Lots 1-5 must be 20 feet in width.
- 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.
- 8) Payment of cash in lieu of land for park dedication in the amount of \$80,750 (\$850 per unit x 95 units) prior to release of final plat mylars.
- 9) Payment of sewer interceptor fees in the amount of \$30,875 (\$325 per unit x 95 units) prior to release of final plat mylars.
- 10) Any uncompleted site work (including landscaping) must be escrowed for prior to issuance of a certificate of occupancy.
- 11) 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.

Upon vote taken: Ayes: 6, Nays: 0. Motion passed.

Planning Commission Action (Special Use Permit):

Commissioner Hollenbeck moved and Commissioner Greil seconded a motion to approve the special use permit, subject to the following conditions:

- 1) Construction of the additional flood plain storage capacity to compensate for the area to be filled as indicated on the approved grading plan for South Oaks 2nd Addition.

755 Westview Drive
P.O. Box 65
Hastings, MN 55033

TANNER, HAMILTON & ASSOCIATES, P.A.

Attorneys and Counselors at Law

TELEPHONE (651) 437-8037
FAX (651) 437-1731

DAVID E. TANNER+
MICHAEL G. HAMILTON*

July 11, 2003

Mr. John Hinzman, Planning Director
City of Hastings
City Hall
101 East 4th Street
Hastings, MN 55033

VIA FACSIMILE ONLY
(651) 437-7082

RE: **Lot 1, Block 2, Preliminary Plat of South Oaks of Hastings 2nd Addition**

Dear Mr. Hinzman:

In 1999 when the Bohlkens were in the process of platting Bohlken Estates 6th Addition, we worked with the City and Greg Jablonske to provide a path from Bohlken Drive North to the City Park. At the instance of Tom Montgomery of the City of Hastings, we agreed to arrange the westerly line of Lot 1, Block 1 so that the path would be perpendicular to Bohlken Drive and run in a straight line to the park. Now we see that the preliminary plat of Lot 1, Block 2 of South Oaks 2nd referenced above, has disregarded this path arrangement. In fact, there is no path at all on the new plat and thus it would dead-end prior to reaching the park. You will note that on the preliminary plat, no path extension is shown. Accordingly, in the event the City accepts the plat as presented, then the existing path would end in the middle of Lot 1, Block 2 and would therefore be of no use to the public. In that case we ask that the City relinquish its easement for path purposes and allow that land to be developed as a regular part of Lot 1, Block 1, Bohlken Estates 6th.

In the event the City intends to provide an access path, it could curve and follow the easterly line of said Lot 1, Block 2 and thus place it directly behind Lot 1, Block 1 of Bohlken Estates 6th. This was not the agreement of Mr. Jablonske and the City at the time we platted. We object to any path location which would follow the line I described. A better and acceptable location would be to continue the path in a straight line at least to a depth of 135 feet from Bohlken Drive, all according to our previous agreement.

Secondly, we contributed the entire path property to the City in our plat. Now, the City appears to be conveying land north of our Lot 1, Block 1, to Mr. Jablonske. This seems to be not only contrary to our agreement with the City, but also unfair to the Bohlkens and an unnecessary addition to the South Oaks plat. We ask that if any land lying directly north of Bohlken Estates 6th addition is to be conveyed by the City, it be conveyed to Bohlken Estates Partnership and added to Lot 1, Block 1, Bohlken Estates 6th.

Mr. John Hinzman

Page 2

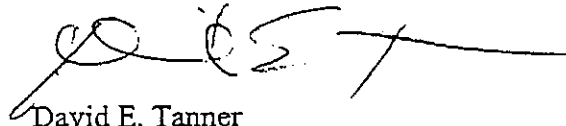
July 11, 2003

In the event no change is required on the South Oaks plat, an alternative would be to prohibit any construction of any kind on the subject triangular piece lying north of Bohlken Estates 6th. We are particularly concerned about this because the subject triangle would already be detached from Lot 1, Block 2, South Oaks by reason of the intervening path, and thus could be an attractive location for a shed, storage facility or doghouse or kennel with a fenced border. I am sure you can understand our concern about this matter.

In summary, we object to the proposal of a lot lying north of Bohlken Estates. We object to dead-ending the path that we dedicated and we believe the City treated the Bohlkens unfairly in this platting process and now are making matters worse by allowing adjoining property to potentially devalue the land of our client.

We ask that you try to work with us prior to approval of this part of the plat of South Oaks 2nd.

Very truly yours,

A handwritten signature in black ink, appearing to read "David E. Tanner", with a long horizontal flourish extending to the right.

David E. Tanner

DET:kss

File No. 5698

cc: George Bohlken

Donald Bohlken

Greg Jablonske (via facsimile)

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033 Phone: 651.480.2350 Fax: 651.437.7082

Address of Property: _____

Legal Description of Property: See Plat

Applicant:
 Name Greg J. Homes, Inc.
 Address 3745 VERMILLION ST.
HASTINGS, MN. 55033
 Phone 651-437-3700
 Fax _____
 Email _____

Owner (If different from Applicant):
 Name GREG JABLONSKI
 Address 1465 RIVERSHORE DRIVE
HASTINGS, MN 55033
 Phone _____
 Fax _____
 Email _____

Description of Request (include site plan, survey, and/or plat if applicable):
Preliminary & Final Plat Approval

Check applicable box(es):

Note: All fees and escrow amounts due at time of application.

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Final Plat \$600
- Minor Sub. \$500
- Rezone \$500
- Spec. Use \$500
- Variance \$250
- Annexation \$500 plus legal expenses
- EAW \$500 plus \$1000 escrow
- Prelim Plat \$500 plus escrow:
 - Under 10 acres: \$3000 (\$500 Planning + \$2500 Engineering)
 - Over 10 acres: \$6000 (\$1000 Planning + \$5000 Engineering)
- Site Plan \$500 plus escrow:
 - 0 - 5,000 s.f.: \$1500 (Engineering)
 - 5,000 - 10,000 s.f.: \$2500 (\$500 Planning + \$2000 Engineering)
 - 10,000 - 50,000 s.f.: \$3250 (\$750 Planning + \$2500 Engineering)
 - 50,000 s.f. +: \$4000 (\$1000 Planning + \$3000 Engineering)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Administrative Lot Split \$50
- Comp Plan Amendment \$500
- House Move \$500
- Lot Line Adjustment \$50
- Vacate ROW/Easement \$400

\$7,100.⁰⁰ TOTAL:

Signature of Applicant	Date	Signature of Owner	Date
------------------------	------	--------------------	------

Applicant Name and Title - Please Print

Owner Name - Please Print

Gregory A Jablonski

Official Use Only

File # 2003-41
 Fee Paid \$7102.00

Rec'd By: _____
 Receipt # 94686

Date Rec'd 5/20/2003
 App. Complete _____

4/23/2003

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: August 4, 2003

Subject: Greg Jablonske – Special Use Permit #2003-49 – Floodplain use permit to place fill – South Oaks 2nd Addition – Bohlken Drive.

REQUEST

Greg Jablonske seeks Special Use Permit approval for a Floodplain use permit to place fill in the 100 year flood plain of the Vermillion River along Bohlken Drive.

The request has been submitted in conjunction with the Preliminary and Final Plat of South Oaks of Hastings 2nd Addition.

RECOMMENDATION

The Planning Commission voted 5-1 (Truax dissenting) to recommend approval of the permit at the July 14, 2003 meeting subject to the conditions of the attached resolution.

The area to be filled consists of a slough off the main channel of the river. The applicant proposes to create additional storage for flow, exceeding the area to be filled.

ATTACHMENTS

- Resolution
- Location Map
- Site Map
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The Comprehensive Plan designates the property as U-1, Urban Residential (1-3 units per acre) and Flood fringe.

Zoning Classification

The property is zoned R-2, Medium Density Residence.

Adjacent Zoning and Land Use

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Vermillion River	F-W – Floodway	F - Floodway
East	Single Family Res.	R-2 – Med Den Res. R-3 - Med High Dens	U-1 – Urb Res
South	Future Single Family	R-2 – Med Den Res.	U-1 – Urb Res
West	Vermillion River	F-W – Floodway	F - Floodway

Existing Condition

The site is presently undeveloped and heavily wooded.

Proposal

3.75 acre feet of fill is proposed to place in the floodway. The fill would cover portions of the following:

- Bohlken Drive
- Block 1, Lots 11-15
- Block 2, Lots 3-8

The applicant proposes to create an additional 3.85 acre feet of floodway south west of the filled site.

SPECIAL USE PERMIT REVIEW

Flood Plain Ordinance

City Code Chapter 13 - Flood Plain regulates the placement of fill and structures within the Floodway and Flood Fringe Districts as identified by the Federal Insurance Agency of the Federal Emergency Management Agency (FEMA). The subject area is identified as being

within the “Floodway District” of the FEMA study. Section 13.04 requires a special use permit for any placement of fill within the Floodway District, stating:

Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount must not exceed that necessary to achieve the intended purpose.

Section 13.10, Subd. 5 regulates the special use permit process including necessary background information and factors upon which decision shall be made, including:

- The danger of life and property due to increased flood heights or velocities caused by encroachments.
- The susceptibility to flood damage and the effect of such damage on the individual owner.
- The importance of the facility to the community.
- Availability of alternate locations, not subject to flooding.
- The expected height, velocity, duration, rate or rise, and sediment transport of the floodwater expected at the site.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A SPECIAL USE PERMIT FOR A FLOODWAY USE PERMIT
ALLOWING PLACEMENT OF FILL WITHIN PORTIONS OF SOUTH OAKS OF
HASTINGS 2ND ADDITION GENERALLY LOCATED ALONG BOHKLEN DRIVE ,
HASTINGS, MN**

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

WHEREAS, Greg Jablonske has petitioned for Special Use Permit approval for a Floodplain Use Permit to allow fill within the 100 year floodway of portions of property generally located along Bohlken Drive in SOUTH OAKS OF HASTINGS 2ND ADDITION, legally described as follows:

Outlots C, E, and F, SOUTH OAKS OF HASTINGS, according to the recorded plats thereof, Dakota County, Minnesota.

WHEREAS, on July 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 Special Use Permit subject to the conditions contained herein.

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 a Floodplain Use Permit to allow placement of fill within the 100 year flood plain subject to the following:

1. Construction of the additional flood plain storage capacity to compensate for the area to be filled as indicated on the approved grading plan for South Oaks 2nd Addition.
2. Adherence to Chapter 13 – Floodplain Regulations of the City Code, including, but not limited to the conditions included below.

3. Fill shall be property compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
4. Floodplain development shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Zoning Map.
5. The applicant shall be responsible for obtaining any additional. State and Federal permits relating to the floodplain fill.
6. Approval is subject to a one year sunset clause. Approval is null and void if significant work has not commenced within one year of City Council Approval.

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

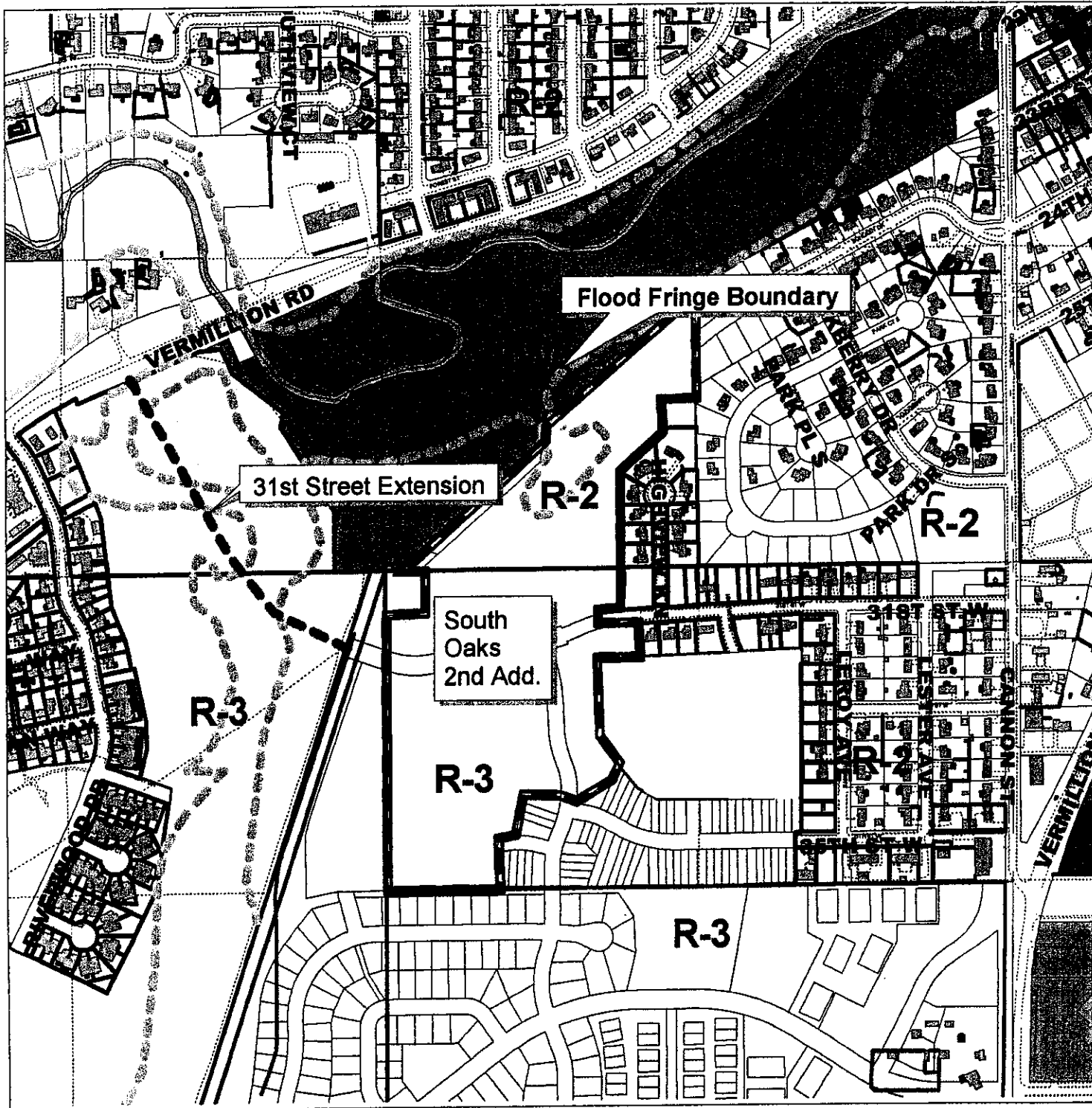
Melanie Mesko Lee
City Clerk

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 4th day of August, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
City Clerk

(SEAL)

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



South Oaks 2nd Add

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-1
WAT	INDUSTRIAL
RESIDENTIAL	I-1
R-1	I-2
R-2	OTHER
R-3	P-1
R-4	ROW

Map Date: July 11, 2003

Site Location

2003-49

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033 Phone: 651.480.2350 Fax: 651.437.7082

Address of Property: _____

Legal Description of Property: PART OF LOTS CCF OF South OAKS
OF Hastings

Applicant:
 Name GREG JABLONSKIE
 Address 3475 VERMILLION ST #101
HASTINGS, MN 55033
 Phone 651-437-3700
 Fax 651-480-1144
 Email _____

Owner (if different from Applicant):
 Name _____
 Address _____
 Phone _____
 Fax _____
 Email _____

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

Check applicable box(es):

Note: All fees and escrow amounts due at time of application.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Final Plat \$600
- Minor Sub. \$500
- Rezone \$500
- Spec. Use \$500
- Variance \$250
- Annexation \$500 plus legal expenses
- EAW \$500 plus \$1000 escrow
- Prelim Plat \$500 plus escrow:
 - Under 10 acres: \$3000 (\$500 Planning + \$2500 Engineering)
 - Over 10 acres: \$6000 (\$1000 Planning + \$5000 Engineering)
- Site Plan \$500 plus escrow:
 - 0 - 5,000 s.f.: \$1500 (Engineering)
 - 5,000 - 10,000 s.f.: \$2500 (\$500 Planning + \$2000 Engineering)
 - 10,000 - 50,000 s.f.: \$3250 (\$750 Planning + \$2500 Engineering)
 - 50,000 s.f. +: \$4000 (\$1000 Planning + \$3000 Engineering)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Administrative Lot Split \$50
- Comp Plan Amendment \$500
- House Move \$500
- Lot Line Adjustment \$50
- Vacate ROW/Easement \$400

TOTAL:

Signature of Applicant *Gregory Jablonskie* Date _____ Signature of Owner _____ Date _____
 Applicant Name and Title - Please Print _____ Owner Name - Please Print _____

Gregory A. Jablonskie
OWNER

Official Use Only

4/23/2003

File # 2003-49
Fee Paid PD 51

Rec'd By: JHizman
Receipt # 9778

Date Rec'd 6/27/03
App. Complete _____

\$500.00 check # 9781

~

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: August 4, 2003

Subject: McAuliffe Elementary School - Site Plan Review #2003-53 to add an access road to S. Frontage Rd, 1601 12th Street W.

REQUEST

ISD 200 has submitted a request for approval of an access road to S. Frontage Road. This is triggered by the congestion experienced at 12th Street and Pleasant Drive during times when parents and busses are dropping off and picking students up. The Fire Marshall expressed concern to the School District that emergency vehicles would have a difficult time gaining access to the school during those times, and requested the school district construct a second access point to McAuliffe Elementary.

Staff is recommending approval of the attached resolution, with the conditions listed.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The proposal conforms to the 2020 Comprehensive Plan land use designation of P, Public.

Zoning Classification

The subject property is zoned R-1, Low Density Residential. Schools are a permitted use.

Adjacent Zoning and Land Use

The following land uses abuts the proposed parking lot:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	S. Frontage Rd Townhomes	R-4 Med High Dens Res	U-III Urb Res
East	townhomes/pond	R-1, R-3	P – Pub, U-III
South	Single family homes	R-1 Low Density Res	U-I Urb Res
West	pond, future TH site	R-1, R-4	P – Pub, U-III

Existing Condition

The site is currently developed with an elementary school, parking lot and access road on the east side, and playground equipment on the west.

SITE PLAN REVIEW

History

The school was constructed in 1988. At the time of Planning Commission/City Council review, the issue of one access off of Pleasant Drive was raised by the Fire Department. At that time, a possible 2nd emergency access from 14th Street was discussed, in the form of a bituminous trail to the parking lot. The trail was constructed. Now, however, more and more parents are dropping their children off at school each day, adding to the congestion in the area.

Access and Circulation

The proposed access road would enter from the north, off of the South Frontage Road, and run along the northeast side of the building in a large loop. No parking is proposed in this area, and the new access road will not connect to the 12th St entrance, so as to not create a shortcut through the school. The new access road would be designated for bus traffic only, while parents would still use the 12th St entrance.

The proposed access point is located just east of the existing Target store access, and Staff has requested that the proposed access point be moved west to line up with the Target access. Staff does still have concerns about traffic visibility on the inside of the curve.

There currently is a sidewalk along the south side of South Frontage Road, and Staff would like to see a connection between that sidewalk and the school, to allow students to safely access the school from the South Frontage Road.

Landscape Plan

The current site plan shows several proposed trees between the access drive and the future soccer fields on site. If the access road were moved west to line up with the Target store entrance, the large trees could be relocated to the northeast side of the access drive.

Just north of the new access drive is the rear yard of the Marketplace Townhomes. The landscape plan for the townhomes included a variety of plantings including overstory deciduous trees as well as evergreens. However, with the addition of the access road, Staff would like to see a hedge planting between the access drive and the fence to minimize headlights shining into the townhomes. The hedge height should be taller than the typical 30", as busses will have headlights a higher height than cars.

Lighting Plan

A lighting plan has not been submitted at this time. It will be required to be reviewed and approved by the Planning Director.

Grading and Utility Plans

Grading and Utility plans will be submitted to the Engineering Department for review should approval of the site plan be granted. The plans will have to be approved by the Engineering Department before permits can be issued for construction.

Planning Commission Action

The Planning Commission reviewed this item at their July 28, 2003 meeting, and unanimously (4-0) recommended approval of the site plan with the conditions included in the Staff report.

RECOMMENDED ACTION

Approval of the attached resolution.

ATTACHMENTS

- Location Map
- Site Plan
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE SITE PLAN OF CHRISTA MCAULIFFE ELEMENTARY SCHOOL
FOR CONSTRUCTION OF AN ACCESS ROAD TO
SOUTH FRONTAGE ROAD, HASTINGS, MN**

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

WHEREAS, Hastings Public Schools has petitioned for approval to construct an access road to South Frontage Road on property legally described as follows:

Section 29, Township 115, Range 17:

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ except the South 389.68 feet of the South 415 feet except that part platted as Hastings Library Addition and Hastings Marketplace.

WHEREAS, on July 28, 2003, review was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

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

That the City Council hereby approves the site plan request of Hastings Public Schools for Christa McAuliffe Elementary School to construct an access road to South Frontage Road, subject to the following conditions:

- 1) Adherence to the plans submitted as part of City Council approval. The site plan shall be modified so that the access road lines up with the Target driveway across the street. Site Plan shall also be modified to show a sidewalk connection between the school and the existing sidewalk along South Frontage Road.

- 2) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems, and shall be maintained to the requirements of the City's property maintenance ordinance.
- 3) 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.
- 4) Any future plans to illuminate the parking lot will require a photometric lighting plan to be submitted 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.
- 5) Landscaping Plan shall be modified to include landscaping to block headlights into the Marketplace townhomes, and submitted for review and approval by the City Forester and Planning Director.
- 6) Submission of an electronic copy of all plan sets (TIF, PDF, or similar format) prior to issuance of certificate of occupancy.
- 7) Approval is subject to a one year Sunset Clause; if significant progress is not made towards construction of the proposal within one year of City Council approval, the approval is null and void

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

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

Ayes: _____
Nays: _____
Absent: _____

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee
Administrative Assistant/City Clerk

(SEAL)

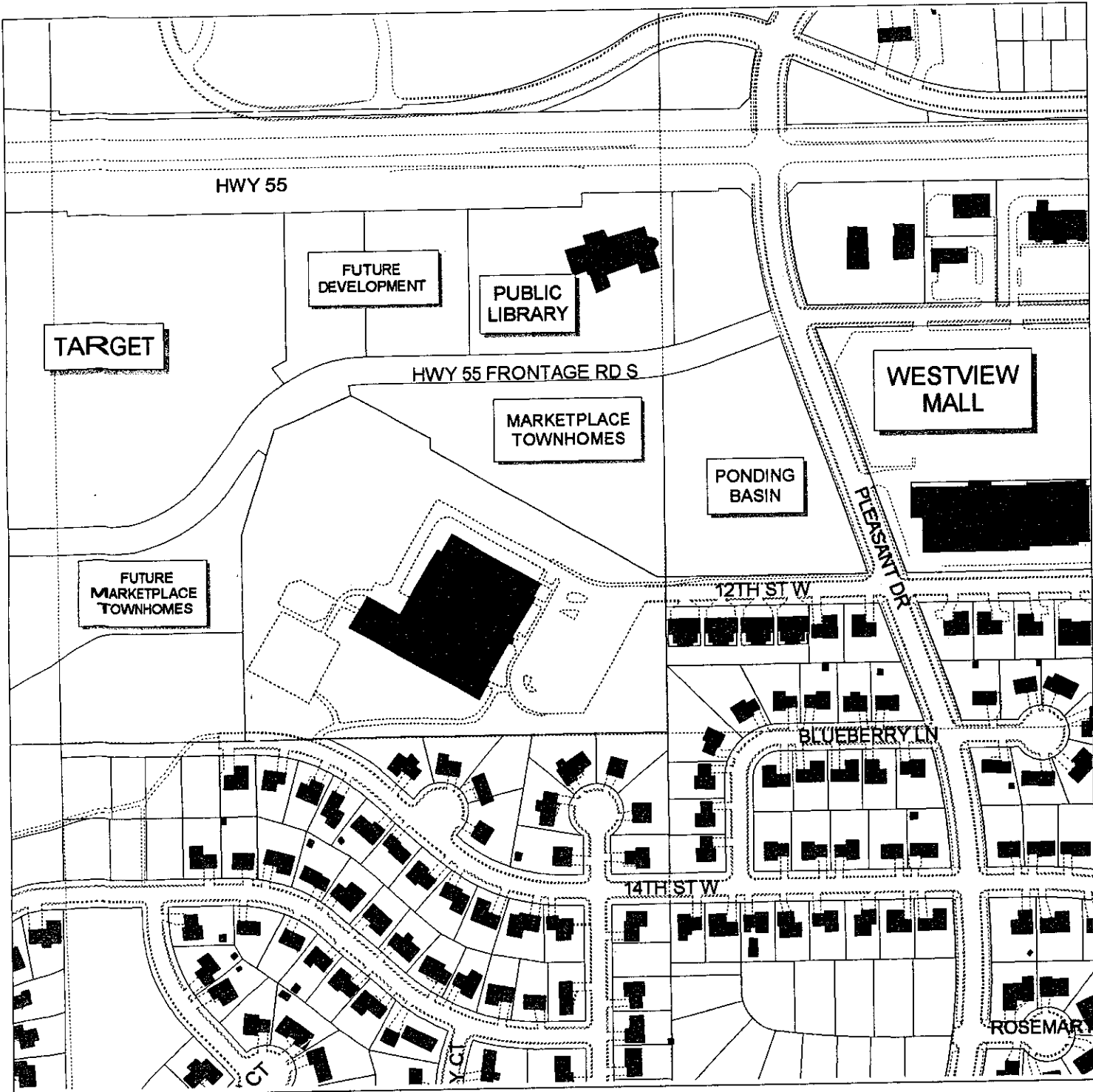
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 4th day of August, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee
Administrative Assistant/City Clerk




(SEAL)

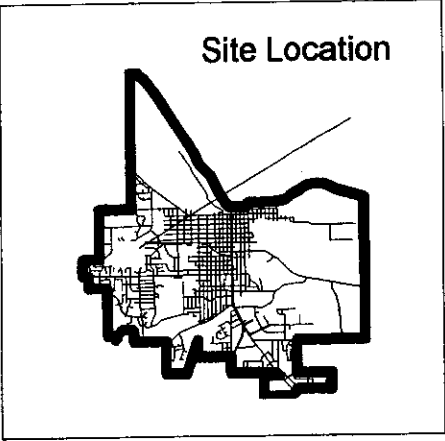
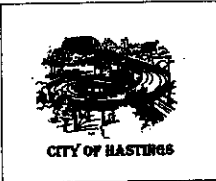
This instrument drafted by:
City of Hastings (KKJ)
101 4th St. East
Hastings, MN 55033

Proposed access road from Christa McAuliffe School to S. Frontage Rd



Legend

-  Buildings
-  Roads
-  Parcels



#2003-53

LAND USE APPLICATION

CITY OF HASTINGS - PLANNING DEPARTMENT

101 4th Street East, Hastings, MN 55033 Phone: 651.480.2350 Fax: 651.437.7082

Address of Property: 1601 12th Street

Legal Description of Property: _____

Applicant: Hastings Public Schools
 Name Michael C. Pieper
 Address 1000 W 11th St
 Phone (651) 438-0608
 Fax (651) 437-1928
 Email mpieper@hastings.k12.mn.us

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

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

* See attached letter

Check applicable box(es):

Note: All fees and escrow amounts due at time of application.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Final Plat \$600
 Minor Sub. \$500
 Rezone \$500
 Spec. Use \$500
 Variance \$250
 Annexation \$500 plus legal expenses
 EAW \$500 plus \$1000 escrow
 Prelim Plat \$500 plus escrow:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Administrative Lot Split \$50
 Comp Plan Amendment \$500
 House Move \$500
 Lot Line Adjustment \$50
 Vacate ROW/Easement \$400

Site Plan \$500 plus escrow: *- NO escrow needed at Site Plan - (JH)*
 - Under 10 acres: \$3000 (\$500 Planning + \$2500 Engineering)
 - Over 10 acres: \$6000 (\$1000 Planning + \$5000 Engineering)
 - 0 - 5,000 s.f.: \$1500 (Engineering)
 - 5,000 - 10,000 s.f.: \$2500 (\$500 Planning + \$2000 Engineering)
 - 10,000 - 50,000 s.f.: \$3250 (\$750 Planning + \$2500 Engineering)
 - 50,000 s.f. +: \$4000 (\$1000 Planning + \$3000 Engineering)

TOTAL:

Signature of Applicant Michael C. Pieper Date 7/17/03 Signature of Owner _____ Date _____

Applicant Name and Title - Please Print Michael C. Pieper Owner Name - Please Print 7/17/03

Official Use Only

File # 2003-53
 Fee Paid PD (JH)

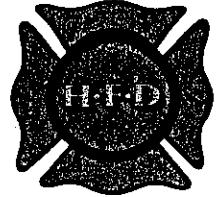
Rec'd By: J Hineman
 Receipt # _____

Date Rec'd 7/18/03
 App. Complete 7/18/03

4/23/2003



HASTINGS FIRE DEPARTMENT



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

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

April 4, 2003

**Mr. Greg McGree, Facilities Manager
Independent School District 200
1000 W. 11th Street
Hastings, MN 55033**

**RE: Non-compliant fire department access roads Christa McAuliffe
Elementary School.**

Dear Mr. McGree:

Recently, Hastings City staff met with you and other representatives of school district 200. The purpose of the meeting was to discuss traffic congestion issues at Christa McAuliffe Elementary School.

Concerns have arisen regarding the increased vehicular traffic congestion caused by students being dropped off for school. This problem appears to be caused by less students arriving on school buses.

On a number of occasions, I have witnessed traffic congestion to a point where emergency vehicles would experience significant delays in response.

With only one road providing both ingress and egress, emergency vehicles would have to wait for the road and drop off area to clear of vehicles to respond to an emergency.

Minnesota Uniform Fire Code Section 902.2.1 states: More than one fire apparatus road shall be provided when it is determined by the Chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

Unless traffic can be controlled to allow for reasonable access by emergency vehicles at all times, I will require a second road be provided.

Page 2
Mr. Greg McGree
April 4, 2003

Please contact me with your decision and plan to provide reasonable emergency vehicle access once a decision has been made.

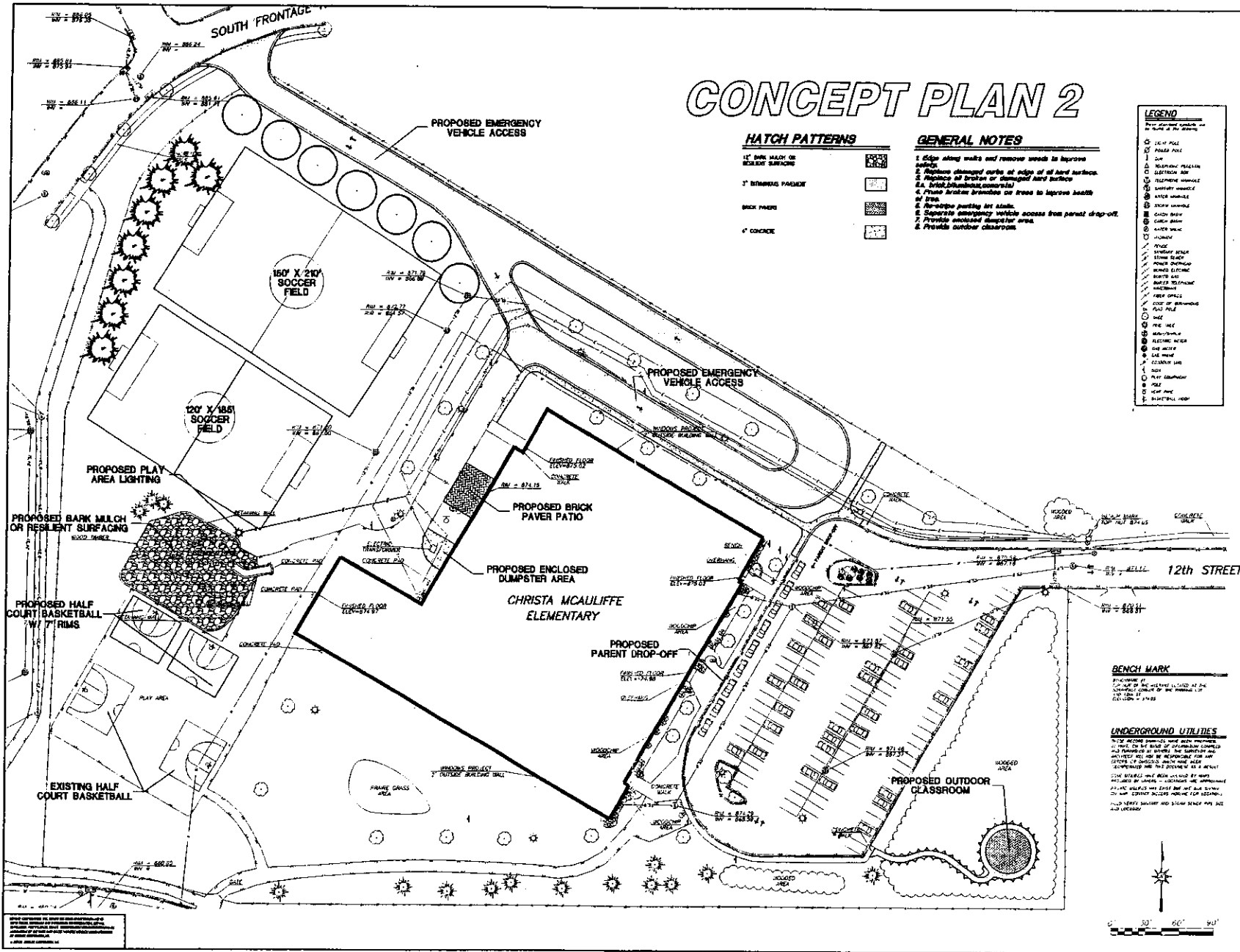
Yours in Fire Protection,

A handwritten signature in black ink, appearing to read "Michael T. Schutt". The signature is written in a cursive style with a large initial "M".

Michael T. Schutt
Assistant Fire Chief/Fire Marshal

MTS/ps

CONCEPT PLAN 2



HATCH PATTERNS

- 1" BARK MULCH OR RESILIENT SURFACING
- 3" BITUMINOUS PAVEMENT
- BRICK PAVERS
- 4" CONCRETE



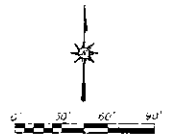
GENERAL NOTES

1. Edge along walks and remove weeds to improve safety.
2. Replace damaged curbs at edge of all hard surfaces.
3. Replace all drains or damaged hard surfaces.
4. <http://www.landscape.com/usa/>
5. Prune broken branches on trees to improve health of tree.
6. No-slope parking lot slope.
7. Separate emergency vehicle access from parent drop-off.
8. Provide enclosed dumpster area.
9. Provide outdoor classroom.

LEGEND	
1	1" BARK MULCH OR RESILIENT SURFACING
2	3" BITUMINOUS PAVEMENT
3	BRICK PAVERS
4	4" CONCRETE
5	1' EDGE
6	1" WALK
7	1" WALK
8	1" WALK
9	1" WALK
10	1" WALK
11	1" WALK
12	1" WALK
13	1" WALK
14	1" WALK
15	1" WALK
16	1" WALK
17	1" WALK
18	1" WALK
19	1" WALK
20	1" WALK
21	1" WALK
22	1" WALK
23	1" WALK
24	1" WALK
25	1" WALK
26	1" WALK
27	1" WALK
28	1" WALK
29	1" WALK
30	1" WALK
31	1" WALK
32	1" WALK
33	1" WALK
34	1" WALK
35	1" WALK
36	1" WALK
37	1" WALK
38	1" WALK
39	1" WALK
40	1" WALK
41	1" WALK
42	1" WALK
43	1" WALK
44	1" WALK
45	1" WALK
46	1" WALK
47	1" WALK
48	1" WALK
49	1" WALK
50	1" WALK
51	1" WALK
52	1" WALK
53	1" WALK
54	1" WALK
55	1" WALK
56	1" WALK
57	1" WALK
58	1" WALK
59	1" WALK
60	1" WALK
61	1" WALK
62	1" WALK
63	1" WALK
64	1" WALK
65	1" WALK
66	1" WALK
67	1" WALK
68	1" WALK
69	1" WALK
70	1" WALK
71	1" WALK
72	1" WALK
73	1" WALK
74	1" WALK
75	1" WALK
76	1" WALK
77	1" WALK
78	1" WALK
79	1" WALK
80	1" WALK
81	1" WALK
82	1" WALK
83	1" WALK
84	1" WALK
85	1" WALK
86	1" WALK
87	1" WALK
88	1" WALK
89	1" WALK
90	1" WALK
91	1" WALK
92	1" WALK
93	1" WALK
94	1" WALK
95	1" WALK
96	1" WALK
97	1" WALK
98	1" WALK
99	1" WALK
100	1" WALK

BENCH MARK
 1. PART OF THE WALKWAY LOCATED AT THE INTERSECTION OF THE WALKWAY AND 12TH STREET.

UNDERGROUND UTILITIES
 1. THE ABOVE INFORMATION IS FOR INFORMATION ONLY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR ANY UTILITIES OR OBSTRUCTIONS THAT MAY BE ENCOUNTERED ON THE SITE. THE USER SHALL BE RESPONSIBLE FOR ANY UTILITIES OR OBSTRUCTIONS THAT MAY BE ENCOUNTERED ON THE SITE.



SITE REDEVELOPMENT PROJECT
CONCEPT PLAN 2

HASTINGS SCHOOL DISTRICT
CHRISTA MCAULIFFE
ELEMENTARY SCHOOL
HASTINGS, MINNESOTA

CM-CP-2

Rev 7/2/03

MEMORANDUM

VII-1 &
VIII-C-1

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: August 4, 2003
Re: Public Hearing and Second Reading for Amendment to Chapter 9—
Relating to Keeping of Dogs & Cats

Council Action Requested

Council is requested to conduct the public hearing and approve the second reading to consider an amendment to the City Code, Chapter 9, changing the number of permitted cats and dogs.

Background Information:

Current City Code limits the number of licensed cats or dogs a homeowner may have to no more than two. Staff is recommending a minor change to the code to allow homeowners to license no more than three dogs, cats, or a combination of dogs/cats. This proposed change is consistent with many other communities' regulations.

Attachments:

1. Revised Ordinance

**City of Hastings
Notice of Public Hearing**

**CHAPTER 9, KENNELS
ORDINANCE AMENDMENTS**

Notice is hereby given that the Hastings City Council will meet in a public hearing at 7:00 p.m. on August 4, 2003, in the City Council Chambers located in the Hastings City Hall, 101 East 4th Street, for reviewing a proposed ordinance amending the Hastings City Code as following:

Chapter 9, Subdivision 15

SUBD. 15. KENNELS. No person, or combination of persons, shall keep or harbor ~~three or more~~ more than three cats dogs or combination thereof in excess of the age of three months on any parcel within the City of Hastings without first obtaining an annual kennel license from the City Clerk in accordance with Section 5.75 of the Hastings City Code.

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 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, July 24, 2003
Posted: Hastings City Hall, July 22, 2003

ORDINANCE NO. 499, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA
AMENDING CHAPTER 9, SUBDIVISION 15 OF THE
HASTINGS CITY CODE PERTAINING TO:
KENNELS**

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

I. HASTINGS CITY CODE CHAPTER 9 , SUBDIVISION 15 OF THE HASTINGS CITY CODE IS AMENDED AS FOLLOWS:

- a) **SUBD. 15. KENNELS.** No person, or combination of persons, shall keep or harbor ~~three or more~~ more than three cats or dogs or combination thereof in excess of the age of three months on any parcel within the City of Hastings without first obtaining an annual kennel license from the City Clerk in accordance with Section 5.75 of the Hastings City Code. Provided, however, that this Section shall not in any way limit or apply to "small animal clinics" holding a special use permit as provided for in Ordinance No. 23, Second Series. Violation of this Subdivision shall be deemed to be a misdemeanor, and in addition may be enforced by civil proceedings for a restraining order in a court of competent jurisdiction.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

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.

ADOPTED by the Hastings City Council on this 4th day of August, 2003.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, 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 4th of July, 2003, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, City Clerk

(SEAL)

MEMO

To: Mayor & Council

From: Marty McNamara 

Subject: Park Dedication Fees

Date: July 30, 2004

COUNCIL ACTION

Conduct Public hearing on proposed Park Dedication increases and pass the second reading on the attached ordinance.

Memorandum

VI-9

To: Mayor and City Council Members
From: Mary McNamara, Parks Director
Date: July 16, 2003
Subject: Park Dedication Fees

The Natural Resource & Recreation Commission reviewed the current park dedication fees of \$850/per unit cash in lieu of land. The Commission also reviewed the Industrial (8% of land or \$1,200 per acre) and Commercial (\$1,500 per acre). The last time the City of Hastings increased the park dedication fees was by resolution in 1993.

The NRRC reviewed a survey of communities that was completed this year on park dedication fees, they considered the cost to develop/redevelop parks, and reviewed the five years Parks Capital Improvement Plan. The NRRC also considered the equity between the value of land donated for park purposes verses cash in lieu of land.

The NRRC is recommending to the City Council that Park Dedication fees be increased from \$850.00 per unit to \$1800 per unit as of August 14, 2003 and on January 1, 2004 increased to \$2,200 and on January 1, 2005, \$2,500. I have learned from talking to Shawn Moynihan that since the fees are being adopted by the ordinance the soonest this ordinance would be effective would be August 14, 2003. Staff did schedule a meeting on Monday, June 30, 2003 for developers to solicit concerns on the proposed increase. No one showed up for the 3:00 meeting. I did receive two phone calls from developers concerned about the proposed increases. The comments were:

The proposed increase is too much at once and could be \$1,500 per unit.

One developer showed up late for the scheduled meeting and I did leave a message on his voice mail to contact me with his concerns but he did not return the call.

The NRRC is proposing that the Park Dedication fees for Industrial and Commercial be increased from 8% to 10% of gross land area or at the sole discretion of the City Council, \$1,200 per acre for industrial, \$1,500 per acre for commercial subdivisions.

I am attaching a copy of the park dedication fees survey that the NRRC used as well as a letter from Shawn Moynihan regarding park dedication fees in general.

COUNCIL ACTION

Pass the first reading of the attached ordinance and schedule a public hearing and the second reading for the next city council meeting.

ORDINANCE NO. ____ - SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
CITY CODE SECTION 11.07 BY
CHANGING PARK DEDICATION REQUIREMENTS**

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

- I. Hastings City Code Section 11.07 Subdivision 2 is hereby deleted in its entirety and replaced with the following new language.

Section 11.07 Subdivision 2. The amount of land to be dedicated in accordance herewith shall be as follows:

- A. **Residential Development.** The amount of land that all new residential subdivisions shall dedicate for public parks, playgrounds, public open space or storm water holding areas or ponds, as required by this chapter, shall be a percentage of the gross land area being platted based upon the proposed density per gross acre as shown below:

<u>Proposed Density (units) Per Gross Acre of Plat</u>	<u>Percentage of Gross Area of Plat to be Dedicated</u>
0.0-1.9	9%
2.0-3.5	11%
3.6-5.9	13%
6.0-10	15%
10+	Add 0.6% per unit over 10

- B. **Commercial/Industrial Development.**

The amount of land to be dedicated in accordance herewith shall be 10% of the gross land area to be platted.

- II. Hastings City Code Section 11.07 Subdivision 4 is hereby deleted in its entirety and replaced with the following new Subdivision 4.

Section 11.07 Subdivision 4. Cash in lieu of land. The City may at its discretion require the developer to make a cash payment to the City in lieu of land to meet public land dedication requirements. The cash amounts shall be determined as follows:

- A. **Residential Development.**

1. \$1,800.00 per unit for plats receiving final approval on or after August 14, 2003.
2. \$2,002.00 per unit for plats receiving final approval on or after January 1, 2004.
3. \$2,500.00 per unit for plats receiving final approval on or after January 1, 2005.

B. **Commercial/Industrial Development.**

1. \$1,200.00 per gross acre of industrial development.
2. \$1,500.00 per gross acre of commercial development.

C. Any cash so obtained shall be used by the City only for the acquisition of land or equipment for parks, playgrounds, public open space, trails or debt retirement in connection with land previously acquired for such purposes. The City Council may, upon request of a subdivider, delay time of payment of cash in lieu of land beyond the time of final plat approval by the City (no later than commencement of construction of public improvements. Any delayed payment in accordance herewith shall bear interest at 8% per annum from the date of plat approval to the date of payment.

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

#3543 P.004/004

MAPLE GROVE PARKS & REC.

MAR.16.2003 21:16 763 494 6454

CITY	SINGLE FAMILY	DUPLEX	TOWN HOME	MULTIPLE FAMILY	COMMERCIAL	INDUSTRIAL	Pk/Tr Fees Combined
Andover	\$1,700	N/A	\$1,700	\$1,700	10% FMV \$5,000	10% FMV \$3,400	Y
Blaine	\$1,700	\$1,700	\$1,700	\$1,700	\$387/1,000 sf	\$258/1000 sf	N-Fees N/A
Bloomington	\$3,600	\$3,100	\$3,100	\$2,400	\$4,800	\$4,800	Y
Brooklyn Park	\$2,000	\$2,000	\$2,000	\$2,000	\$6,600	\$4,000	None
Burnsville	\$1,647	\$1,680	\$1,515	\$1,504	\$9,000	\$9,000	
Chaska	\$1,600	\$1,600	\$1,225	\$975	\$9,000	\$9,000	
Coon Rapids	\$1,117	\$950	\$950	\$760	\$3,350	\$3,350	
Cottage Grove	\$1,000	\$750	\$750	\$750	4% FMV	4% FMV	Y
Eagan	\$1,733	\$1,731	\$1,589	\$1,598	\$5,468	\$4,875	Y
Edina	8%	8%	8%	8%	8%	8%	
Eden Prairie	\$2,300	\$2,300	\$2,300	\$2,300	\$8,600	\$6,600	
Fridley	\$1,500	\$750	\$750	\$750	\$1,000	\$1,000	
Inver Grove Heights	\$1,400	\$1,400	\$1,400	\$1,400	\$3,950	\$2,950	
Lakeville	\$1,500	\$1,500	\$1,500	\$1,500	\$5,400	\$3,200	
Maple Grove	\$2,400	\$2,400	\$2,400	\$2,400	\$6,500	\$4,800	
Maplewood	\$1,020	\$1,728	\$810	N/A	9% FMV	9% FMV	
Minnnetonka	\$550	\$500	\$550	\$500	\$2,400	\$3,000	
Oakdale	\$1,000	\$1,000	\$1,000	\$1,000	\$2,200	\$2,200	
Plymouth	\$2,300	\$2,300	\$2,300	\$2,300	\$6,400	\$6,400	
Prior Lake	\$1,685	\$1,685	\$1,685	\$1,685	\$3,550	\$3,550	
Richfield					N/A	N/A	N/A
Rosemount	\$1,800	\$1,800	\$1,800	\$1,800	10% FMV	10% FMV	Y
Roseville	\$500	\$400	\$400	\$350	\$4,280	\$4,280	
Shakopee	\$2,200	\$2,200	\$2,200	\$1,900	5% FMV	5% FMV	
St. Louis Park	\$900	\$900	\$900	\$900	\$3,000	\$3,000	
Woodbury	\$1,500	\$1,500	\$1,100	\$1,100	\$3,000	\$3,000	
AVERAGE	\$1,611	\$1,559	\$1,484	\$1,451	\$4,659	\$4,141	

Eagan- Parks and Trail Dedication Fees added for comparative purposes. Appears to be one of few that keeps the fees separate.
 Prior Lake- Comm/ Ind- 10% gross land area for parkland dedication. Land must be dry upland with slopes less than 10%
 Richfield- City has no parks or trail dedication fee. They are considering such an ordinance.
 Note: Residential dedication fees are calculated per unit. Commercial and Industrial fees are calculated per acre unless otherwise noted.

Shaded area means entry is variable; can not be calculated into MSA

F&M

FLUEGEL & MOYNIHAN P.A.

Attorneys At Law

Donald J. Fluegel *
Shawn M. Moynihan
Daniel J. Fluegel

1303 South Frontage Road, Suite 5
Hastings, MN 55033-2477

Telephone 651-438-9777
Fax 651-438-9775

July 1, 2003

Marty McNamara, Parks Director
City of Hastings
Hastings City Hall
101 East 4th Street
Hastings, MN 55033

Re: Park Dedication Fees

Dear Marty:

You asked me to address several questions relating to park dedication fees in the city. Specifically, the questions you have raised were as follows:

- A. Can the city impose park dedication fees on commercial and industrial plats in the city?
- B. Can park dedication fees be used in a part of town different from the subdivision that generated those park dedication fees, regardless where that park is located?
- C. Can park dedication fees be used towards a community park?

Background.

Minnesota law allows cities to require a reasonable portion of any proposed subdivision to be dedicated to the public for use as parks or other recreational facilities. (Minn Stat 462.358 Subdivision 2b) That same statute allows the city to accept cash instead of land dedication. Those cash payments are to be placed in a special fund and used by the city only for the purposes for which the money was obtained.

There are only three reported court cases in Minnesota which deal with park dedication issues. Basically, the court has said that the land dedication requirements or fees imposed must be in reasonable proportion to the needs created by the subdivision that is paying those fees or dedicating the land. The questionable of what is a "reasonable proportion" is a facts and circumstances test. This means to determine reasonableness, you need to look at the individual facts of each particular situation. If challenged, the city has the burden of proving that its park dedication requirements bear a reasonable relationship between the development and the city's need for the park dedication.

A. Can the city access park dedication fees on commercial and industrial developments?

Briefly stated, the city can impose park dedication fees on commercial and industrial developments so long as the city can meet its burden of proving that commercial and industrial developments put demands on the city's park systems and that the park dedication requirement will address those demands. Arguably, both of these uses bring people into town that may use the parks and trails. Persons visiting a commercial development may stop and use some of the park amenities while they are in town. Employees of businesses in the commercial and industrial subdivisions may also use the park systems. It is not uncommon to see such employees using the parks and trails during their lunch hour. Especially those parks and trails near the commercial and industrial developments. The amount of the park dedication requirement or fees imposed on commercial and industrial must bear a reasonable relationship to the need created by those developments. As you can appreciate, calculating this number is not an exact science. The city must be able to support its fees by looking at all of the facts and circumstances surrounding that commercial or industrial development.

B. Can park dedication fees which are collected be spent in a part of town different from the development that paid those fees?

I believe some portion of the park dedication fees collected by the city can be used towards maintenance and improvement of community parks such as Lake Rebecca Park, Roadside Park, Veterans Park and CP Adams Park. I do not believe park dedication fees can be used to maintain other neighborhood parks such as Dakota Hills Park, Lions Park, Lake Isabelle Park and other similar neighborhood parks, unless the new development will be expected to use one of those neighborhood parks. As I stated, the purpose of park dedication fees is to meet the park dedication needs that will be created by a particular subdivision. I question if a subdivision on the west end of town will be increasing the use of small neighborhood parks such as Lake Isabelle Park, Lions Park and Dakota Hills Park. New residents in town may on occasion visit these small neighborhood park but those visits will be infrequent. Park dedication fees need to be spent on parks in that subdivision or parks nearby that subdivision that its residents are expected to use.

C. Can park dedication fees be used toward a community park such as Lake Rebecca Park, Roadside Park, Veterans Park, CP Adams Park, etc.?

I believe some portion of the park dedication fees collected can be used for improvements to community parks such as the ones listed above.

The burden for the city is to show that there is a reasonable relationship between the park dedication fee and the impact that development will have on parks. In my opinion, it is reasonable to believe that a new residential development will cause some increase use of community parks. Community parks, by definition, are designed to attract users from the entire city. This is contrary to neighborhood parks which are designed to handle lower volumes of usage, predominantly coming from the immediate surrounding area.

The important question here is how much of a park dedication fee from a particular subdivision can be used to maintain or improve community parks? I don't have a formula that can be used to determine this amount. Instead, some how the city needs to determine the impact a new subdivision

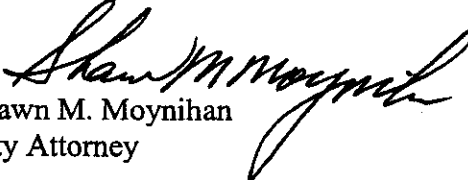
will cause on existing community parks. Once that has been determined, then, arguably, some percentage of that park dedication fee could be used to improve or maintain community parks. Please keep in mind, it is likely that this dollar amount will be small when considering one subdivisions impact on the overall community park usage.

I do not believe that all or substantially all of a park dedication fee can be used to improve community parks. Park dedication fees are meant to alleviate the demand for parks caused by a particular development. It is not likely that a particular development will cause such an increase usage of community parks, when compared to the overall usage of the park, that would justify spending all or substantially all of the park dedication fee on community parks. Instead, those park dedication fees must be spent predominantly on creating or maintaining parks that residents of the subdivision will be expected to use.

Please let me know if you have any further questions regarding this topic. If you would like me to attend any NRRC or park committee of the council to go over this in person, please let me know.

Very truly yours,

FLUEGEL & MOYNIHAN P.A.


Shawn M. Moynihan
City Attorney

SMM:ham