

# October 2002

1 2 3 4 5

6 7 8 9 10 11 12

Council-7 p.m.

HRA-7 p.m.

13 14 15 16 17 18 19

Planning-7 p.m.

HPC-7 p.m.

Ind. Park-7:30 a.m.

~~NRRG-7 p.m.~~

20 21 22 23 24 25 26

Council-7 p.m.

27 28 29 30 31

Planning-7 p.m.



**VII. AWARDING OF CONTRACTS & PUBLIC HEARING:**

1. Award Contract—Roadside Park Veterans Memorial Walkway
2. Award Contract—City Hall Sound & Video System
3. Public Hearing—Amendment to Massage Therapy Ordinance
4. Public Hearing—Vacation of Right-Of-Way: Franklin Street (1<sup>st</sup> Street to Mississippi River)

**VIII. REPORTS FROM CITY STAFF:**

**A. Public Works**

**B. Planning**

1. Second Reading--Vacation of Right-Of-Way: Franklin Street (1<sup>st</sup> Street to Mississippi River)
2. Resolution—Final Plat, Continued: South Pines IV
3. Resolution—Site Plan: Schumacher Properties Storage Building (600-620 Westview Drive)
4. Resolution—Shoreland/Floodplain Variance: Lehtola & Heiman (4<sup>th</sup> and Locust Streets)
5. Resolution—Special Use Permit/Site Plan: Church in I-1 District/Building Expansion (460 Spiral Boulevard)
6. Resolution—Site Plan Amendment: Lawrence Interiors Building (Spiral Boulevard)
7. Approve Roof Sign—Greg J. Homes

**C. Administration**

1. Second Reading—Amendment to Massage Therapy Ordinance

**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, October 21, 2002**

**Hastings, Minnesota  
September 16, 2002**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, September 16, 2002 at 7:00 p.m. in the City Hall Council Chambers, 101 4<sup>th</sup> Street East, Hastings, Minnesota

**Members Present:** Councilmembers Hazlet, Hicks, Moratzka, Riveness, Schultz, and Mayor Werner  
Councilmember Yandrasits arrived at 7:05 p.m.

**Members Absent:** None

**Staff Members Present:** David Osberg, City Administrator;  
Shawn Moynihan, City Attorney;  
Melanie Mesko Lee, Administrative Assistant/City Clerk;  
John Hinzman, Planning Director;  
John Grossman, HRA Director

**Approval of Minutes**

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of September 3, 2002. Hearing none, the minutes were approved as presented.

**Consent Agenda**

City Administrator Osberg requested that Item 5, Development Agreement: School House Square Development Plan and Item # 17, Development Agreement: Riverwood 7<sup>th</sup> Addition, be removed from the Consent Agenda.

Councilmember Moratzka requested that Item 2, Accept Gift of Sculpture & Approve Proposed Location on Public Square be moved to Item 2 under Administrator.

Moved by Councilmember Moratzka, seconded by Councilmember Riveness, to approve the Consent Agenda as amended.

7 Ayes; Nays, None.

*Copy of resolutions on file.*

1. Pay Bills As Audited
2. Accept Gift of Sculpture & Approve Proposed Location on Public Square
3. Development Agreement: Pleasant Acres 1<sup>st</sup> Addition
4. Development Agreement: Century South 3<sup>rd</sup> Addition
5. Development Agreement: School House Square Development Plan—*Removed*
6. 1<sup>st</sup> Reading & Schedule Public Hearing—Vacation of Right-of-Way: Franklin Street (1<sup>st</sup> Street to Mississippi River)
7. 2002 Budget Adjustment (Aquatic Center)
8. 2002 Fund Transfer
9. Authorization to Solicit Quotes—Utility Billing Statements
10. Authorization to Hire Audit Firm—Budget Adjustment

11. Resolution—Advance Encumber Municipal State Aid Funding
12. Pay Estimate #3—2002 Improvement Program: Three Rivers Contracting
13. 1<sup>st</sup> Reading & Schedule Public Hearing—Amendment to Massage Therapy Ordinance
14. Resolution— Requesting MnDOT Study on State Highway #61
15. Insurance and Risk Management Contract for Services
16. McGuire Mechanical Mediation Settlement
17. Development Agreement: Riverwood 7<sup>th</sup> Addition—*Removed*

**Public Hearing—Rezoning R-3 to C-1: Denn Property (1030 North Frontage Road)**

Mayor Werner opened the public hearing at 7:04 p.m.

Hearing no public comment, the public hearing was closed at 7:05 p.m.

**Resolution—Rezoning R-3 to C-1: Denn Property (1030 North Frontage Road)**

Moved by Councilmember Riveness, seconded by Councilmember Hicks to approve the rezoning as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

**Resolution—Final Plat: South Pines IV**

Planning Director Hinzman presented some changes to the final plat from the preliminary plat.

Councilmember Moratzka inquired about the status of the Highway 316 traffic study. Hinzman stated that the study is almost completed and that the City is waiting for comments from MN/DOT. Moratzka stated that she wanted assurance that the east/west connect by Tuttle Drive would continue to move forward, as she did not want to create additional traffic problems on Highway 316. Hinzman outlined the differences between Phase I & Phase II development of the project, which would impact when a Tuttle Drive extension would occur.

City Administrator Osberg stated that the request for an orderly annexation before the Council at the meeting preserves a 75-foot buffer to allow for an east/west traffic connection.

Councilmember Hicks expressed reservation over amending the 2020 Comprehensive Plan to allow for an annexation of property not currently in the 2020 Comprehensive Plan.

Councilmember Riveness questioned the City's benefit to the annexation. Osberg stated that the City is assured of a 75-foot buffer to make an east/west traffic connection, as well as another access to Michael Avenue.

Councilmember Yandrasits questioned whether access to Michael Avenue would provide any traffic relief to Highway 316.

Mayor Werner stated that because so many questions on the project remain, he would recommend that the Final Plat and the Annexation petition be sent back to the Planning Committee of the Council to be discussed.

Moved by Councilmember Riveness, seconded by Councilmember Schultz to send this issue to the Planning Committee of the Council.  
7 Ayes; Nays, none.

**South Pines/Marshan Township Orderly Annexation Agreement**

Moved by Councilmember Moratzka, seconded by Councilmember Riveness to send this issue to the Planning Committee of the Council.  
7 Ayes; Nays, none.

**Resolution—Variance: Shoreland: Husman-Woodford (629 East 2<sup>nd</sup> Street)**

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the variance as presented with the two conditions listed in the Planning Director's report.  
7 Ayes; Nays, none.  
Copy of resolution on file.

**Resolution—Site Plan: Dakota County Administration Building Expansion**

Moved by Councilmember Hicks, seconded by Councilmember Hazlet to approve the resolution as presented.  
7 Ayes; Nays, none.  
Copy of resolution on file.

**Resolution—Variance: Steinke (920 West 5<sup>th</sup> Street)**

Moved by Councilmember Hazlet, seconded by Councilmember Hicks to approve the resolution as presented.  
7 Ayes; Nays, none.  
Copy of resolution on file.

**Resolution—Site Plan: Millard Avenue Inc. (Quality One Woodwork Expansion)**

Planning Director Hinzman stated that the proposed expansion still exceeds 50% metal that is permitted by Industrial Park Guidelines, but he stated that the 50% standard has been a negotiable guideline in the past, as opposed to a firm standard. Hinzman also stated that the applicant has amended the site plan to add more windows, wider fascia boards, proposed using two colors and painting any exposed concrete. They also propose landscaping in lieu of material upgrades.

Councilmember Yandrasits questioned whether landscaping is an appropriate substitution for material upgrades, and requested review of the IPB's architectural standards.

Mayor Werner stated that he hopes that this is an opportunity for the applicant to improve the outside storage appearance of the facility.

Moved by Councilmember Yandrasits, seconded by Councilmember Hazlet to approve the site plan with the five additional modifications outlined in the Planning Director's report.  
7 Ayes; Nays, none.  
Copy of resolution on file.

**Resolution—Approving Business Subsidy for Millard Avenue Inc. (Quality One Woodworking)**

Moved by Councilmember Moratzka, seconded by Councilmember Hazlet to approve the business subsidy as presented.

7 Ayes; Nays, none.

**Accept Gift of Sculpture & Approve Proposed Location on Public Square**

Councilmember Moratzka stated that this item should be publicized. Paris Pasch, the artist who will create the sculpture, stated that it will involve the elements of the river, the city's agricultural history, the Spiral Bridge, and a wheel, symbolizing progress. The sculpture will be placed on the north front lawn and will require no maintenance.

Moved by Councilmember Moratzka, seconded by Councilmember Schultz to accept the sculpture and approve its presence on the Public Square.

7 Ayes; Nays, none.

**Adjournment**

Moved by Councilmember Riveness, seconded by Councilmember Hicks to adjourn the meeting at 8:00 p.m.

7 Ayes; Nays, None.

ATTEST

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	DELTA DENTAL PLAN OF	OCT INSURANCE	1,830.85
	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	1,049.59
	Total for Department 000		2,880.44*
COUNCIL AND MAYOR	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	50.63
	Total for Department 102		50.63*
ADMINISTRATION	BOISE CASCADE OFFICE	OFFICE SUPPLIES	840.27
ADMINISTRATION	FORTIS BENEFITS INS	OCT LTD PREMIUM	49.90
ADMINISTRATION	IOS CAPITAL	OCT MAINT	368.25
ADMINISTRATION	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	18.75
ADMINISTRATION	WALMART COMMUNITY BR	PW OPEN HOUSE SUPPLIES	33.30
	Total for Department 105		1,310.47*
CITY CLERK	ALLINA MEDICAL CLINI	RANDOM DRUG TEST/SCHUTT/	120.00
FY CLERK	BOISE CASCADE OFFICE	ELECTION SUPPLIES	2,958.86
CITY CLERK	COMARK GOVERNMENT &	COMPUTER SOFTWARE UPGRAD	1,360.77
CITY CLERK	FORTIS BENEFITS INS	OCT LTD PREMIUM	11.42
CITY CLERK	HASTINGS STAR GAZETT	AD FOR BIDS	155.10
CITY CLERK	HASTINGS STAR GAZETT	ANNEX EXCEL ENERGY	30.40
CITY CLERK	HASTINGS STAR GAZETT	CHAPT 10 ZONING ORD	22.80
CITY CLERK	HASTINGS STAR GAZETT	COND USE PERMIT	38.00
CITY CLERK	HASTINGS STAR GAZETT	MASSAGE THERAPY HOME PER	15.20
CITY CLERK	HASTINGS STAR GAZETT	ORD #475	22.80
CITY CLERK	HASTINGS STAR GAZETT	ORDINANCE #476	15.20
CITY CLERK	HASTINGS STAR GAZETT	REPEAL ORD 474	15.20
CITY CLERK	HASTINGS STAR GAZETT	REZONE NO FRONTAGE RD	30.40
CITY CLERK	HASTINGS STAR GAZETT	VACATE FRANKLIN ST	22.80
CITY CLERK	KEHN DENICE	MILEAGE/ ABSENTEE VOTING	9.67
CITY CLERK	LABORATORY CORPORATI	RANDOM DRUG SCREEN	110.25
CITY CLERK	MESKO LEE, MELANIE	ELECTION	45.20
CITY CLERK	MESKO LEE, MELANIE	ELECTION SUPPLIES	59.26
CITY CLERK	MESKO LEE, MELANIE	MAUMA	44.49
Y CLERK	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	4.95
CITY CLERK	SCHROEDER, ADELINE	ELECTION SUPPLIES	36.97
CITY CLERK	SCHROEDER, ADELINE	MILEAGE / ELECTION	22.27
CITY CLERK	STAR TRIBUNE	AD/ ASST CITY ENGINEER	799.20
	Total for Department 107		5,951.21*
FINANCE	COMPUTER MANAGEMENT	PACE USERS MEETING/STARK	60.00
FINANCE	FORTIS BENEFITS INS	OCT LTD PREMIUM	71.65
FINANCE	GOVT FINANCE OFFICER	ANNUAL GOVT'L GAAP UPDAT	95.00
FINANCE	KLINE, BECKY	MILEAGE / TRAINING	23.00
FINANCE	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	30.00
FINANCE	STARK, CHARLENE	ALEXANDER CONFERENCE	335.71
FINANCE	STARK, CHARLENE	MTMA MEETING	51.65
FINANCE	STRATEGIC INSIGHTS C	LICENSE EXTENSION/UPGRAD	532.50
	Total for Department 120		1,199.51*
MAINTENANCE	FORTIS BENEFITS INS	OCT LTD PREMIUM	13.46
MAINTENANCE	MINNEGASCO,ACCT'S PA	MONTHLY GAS	156.30



City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MAINTENANCE	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	7.50
MAINTENANCE	ORKIN PEST CONTROL	SEPT SERVICE	87.79
MAINTENANCE	SCHILLING PAPER CO.	PAPER SUPPLIES	303.39
MAINTENANCE	SIGN SOLUTIONS INC	NAME PLATE	36.72
MAINTENANCE	T.D.'S CLEANING	SEPT	1,150.80
MAINTENANCE	TOWER CLEANING SYSTE	SEPT	1,196.21
MAINTENANCE	ULTRA-CHEM INC	CLEANING CHEMICALS	200.02
MAINTENANCE	XCEL ENERGY	MONTHLY ELECTRICITY	4,303.69
	Total for Department 140		7,455.88*
PLANNING	FORTIS BENEFITS INS	OCT LTD PREMIUM	32.49
PLANNING	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	14.63
	Total for Department 150		47.12*
M.I.S.	FORTIS BENEFITS INS	OCT LTD PREMIUM	19.77
M.I.S.	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	7.50
M.I.S.	SOFTWARE SPECTRUM IN	INSTALLATION MEDIA	48.99
M.I.S.	SOFTWARE SPECTRUM IN	MS INSTALLATION MEDIA	24.50
	Total for Department 160		100.76*
POLICE	AT & T WIRELESS	MDT SITE LEASE	355.00
POLICE	DE LAGE LANDEN FINAN	DICTION SERVICE	290.05
POLICE	ELECTRO WATCHMAN, IN	ALARM SERVICE	57.51
POLICE	FORTIS BENEFITS INS	OCT LTD PREMIUM	470.42
POLICE	HASTINGS AREA JAYCEE	GLOW NECKLACES / NAT'L N	175.00
POLICE	HASTINGS FORD-JEEP-E	SQUAD 1414 REPAIR	856.71
POLICE	HOLMES, MARK	CONFERENCE	389.25
POLICE	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	209.99
POLICE	MN DEPT OF ADMINISTR	STATE LINK	37.00
POLICE	NEXTEL COMMUNICATION	CELL PHONE	1,256.58
POLICE	REGINA MEDICAL CENTE	LAB WORK NEMO	47.75
POLICE	RGNONTI, JAMES	UNIFORM REIMBURSEMENT	285.30
POLICE	SCHUTT, MIKE	CONFERENCE	389.25
POLICE	VERIZON WIRELESS, BE	CELL PHONE	56.76
	Total for Department 201		4,876.57*
BUILDING AND INSPECT	FORTIS BENEFITS INS	OCT LTD PREMIUM	72.46
BUILDING AND INSPECT	JONES MARSHA	MILEAGE REIMBURSEMENT	40.51
BUILDING AND INSPECT	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	37.50
	Total for Department 230		150.47*
PUBLIC WORKS	ALLIED BLACKTOP CO.	SEALCOAT	40,776.40
PUBLIC WORKS	BARR ENGINEERING CO.	PROFESSIONAL SERVICES	468.16
PUBLIC WORKS	BARR ENGINEERING CO.	WALLIN CLOMR	1,440.60
PUBLIC WORKS	BDM CONSULTING ENGIN	408 W 5TH	36.00
PUBLIC WORKS	BDM CONSULTING ENGIN	A T & T	432.00
PUBLIC WORKS	BDM CONSULTING ENGIN	ARBOR OAKS	529.00
PUBLIC WORKS	BDM CONSULTING ENGIN	BAILEY RIDGE	108.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENT SO	7,172.00
PUBLIC WORKS	BDM CONSULTING ENGIN	CENT SO 2ND	9,631.00

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	BDM CONSULTING ENGIN	GUARDIAN ANGELS	72.00
PUBLIC WORKS	BDM CONSULTING ENGIN	LOT 5 BLK 1	72.00
PUBLIC WORKS	BDM CONSULTING ENGIN	MARKET PL WEST	1,776.00
PUBLIC WORKS	BDM CONSULTING ENGIN	MARKETPLACE FAM HOUSING	36.00
PUBLIC WORKS	BDM CONSULTING ENGIN	MIDDLE SCHOOL DEMO	144.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RELIANT ENERGY	72.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RIVERDALE	900.00
PUBLIC WORKS	BDM CONSULTING ENGIN	RIVERWOOD 7TH	36.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SIEBEN CREST	543.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SO OAKS	603.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SO PINES 4TH	14,504.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SPRINT	144.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SR APT/AUGUSTANA	216.00
PUBLIC WORKS	BDM CONSULTING ENGIN	SUMMIT HEIGHTS	72.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALLIN	324.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALLIN WEST	432.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WALMART	3,020.00
PUBLIC WORKS	BDM CONSULTING ENGIN	WENDY'S PLAN REVIEW	288.00
PUBLIC WORKS	BDM CONSULTING ENGIN	XCEL	216.00
PUBLIC WORKS	CCP INDUSTRIES INC	GO-JO CLEANER	66.54
PUBLIC WORKS	COMARK GOVERNMENT &	MEMORY/ MONITOR	627.56
PUBLIC WORKS	DAKOTA COUNTY SOIL/W	INSPECTIONS	156.00
PUBLIC WORKS	EDP COMPUTER SYSTEMS	NOBILIS COMPUTER	1,262.03
PUBLIC WORKS	FERRELLGAS	PROPANE	12.25
PUBLIC WORKS	FORTIS BENEFITS INS	OCT LTD PREMIUM	221.41
PUBLIC WORKS	GURNEY, DAVID	WORKBOOTS / DIGITAL CARD	136.14
PUBLIC WORKS	H & L MESABI	BLADE / BOLTS	169.13
PUBLIC WORKS	H O BOSTROM	ARM	56.80
PUBLIC WORKS	MIKISKA, BRAD	SEMINAR REIMBURSEMENT	149.00
PUBLIC WORKS	MINNEGASCO,ACCT'S PA	MONTHLY GAS	34.07
PUBLIC WORKS	MINNESOTA BLUEPRINT	INK CARTRIDGES	118.38
PUBLIC WORKS	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	108.50
PUBLIC WORKS	MONTGOMERY, THOMAS	APWA CONFERENCE	787.41
PUBLIC WORKS	NEXTEL COMMUNICATION	CELL PHONE	336.19
PUBLIC WORKS	RUEBY, CALVIN	APWA CONF	813.05
PUBLIC WORKS	SOFTWARE SPECTRUM IN	SOFTWARE	348.26
PUBLIC WORKS	VECTOR INTERNET SERV	INTERNET	94.90
PUBLIC WORKS	WALMART COMMUNITY BR	CLEANING SUPPLIES'	19.64
PUBLIC WORKS	XCEL ENERGY	MONTHLY ELECTRICITY	13,129.59
PUBLIC WORKS	ZARNOTH BRUSH WORKS,	BROOM REFILL/ SHOES	437.66
		Total for Department 300	103,147.67*
PARKS AND RECREATION	FORTIS BENEFITS INS	OCT LTD PREMIUM	6.97
PARKS AND RECREATION	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	3.75
		Total for Department 401	10.72*
MISCELLANEOUS	LEAGUE MN CITIES INS	DEDUCTIBLE / PAWN LICENS	1,000.00
MISCELLANEOUS	LEAGUE MN CITIES INS	DEDUCTIBLE / SEWER BACKU	509.59
MISCELLANEOUS	MAGUIRE AGENCY	AGENT FEES 1ST QTR	3,000.00
MISCELLANEOUS	MAGUIRE AGENCY	AGENT FEES 2ND QTR	3,000.00

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
MISCELLANEOUS	MAGUIRE AGENCY	AGENT FEES 3RD QTR	3,000.00
		Total for Department 600	10,509.59*
		Total for Fund 101	137,691.04*
PARKS AND RECREATION	BAHLS SERVICE	TIRE	52.30
PARKS AND RECREATION	DOERER'S GENUINE PAR	GASKET	14.90
PARKS AND RECREATION	DOERER'S GENUINE PAR	OIL	14.62
PARKS AND RECREATION	DUBE, DAVID	REFUND SKATE PARK SEASON	50.00
PARKS AND RECREATION	FINLEY BROTHERS ENTE	ARENA RINK ADJUST BOARDS	694.00
PARKS AND RECREATION	FINLEY BROTHERS ENTE	RESURFACE BASKETBALL COU	6,060.00
PARKS AND RECREATION	FINLEY BROTHERS ENTE	SEAL / STRIPE ARENA RINK	10,130.00
PARKS AND RECREATION	FORTIS BENEFITS INS	OCT LTD PREMIUM	95.53
PARKS AND RECREATION	GOPHER STATE SEALCOA	SEALCOAT TRAILS	31,667.09
PARKS AND RECREATION	IOS CAPITAL	OCT MAINT	172.53
PARKS AND RECREATION	MCNAMARA, MARTY	NRPA CONFERENCE	1,094.00
PARKS AND RECREATION	MINNEGASCO,ACCT'S PA	MONTHLY GAS	74.15
PARKS AND RECREATION	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	48.75
PARKS AND RECREATION	RADKE ELECTRIC	INSTALL TEMP BREAKERS	75.00
PARKS AND RECREATION	UNITED RENTALS	ACETYLENE REFILL	80.94
PARKS AND RECREATION	XCEL ENERGY	MONTHLY ELECTRICITY	2,017.52
		Total for Department 401	52,341.33*
		Total for Fund 200	52,341.33*
PARKS AND RECREATION	FORTIS BENEFITS INS	OCT LTD PREMIUM	16.69
PARKS AND RECREATION	MINNEGASCO,ACCT'S PA	MONTHLY GAS	1,477.55
PARKS AND RECREATION	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	10.28
PARKS AND RECREATION	W W GOETSCH ASSOCIAT	IMPELLER REPAIR	2,354.06
PARKS AND RECREATION	WALMART COMMUNITY BR	CLEANERS	25.73
PARKS AND RECREATION	WALMART COMMUNITY BR	PAINTING SUPPLIES	66.10
PARKS AND RECREATION	XCEL ENERGY	MONTHLY ELECTRICITY	1,783.99
		Total for Department 401	5,734.40*
		Total for Fund 201	5,734.40*
CABLE	AURAN, PAUL	3RD QTR	600.00
		Total for Department 420	600.00*
		Total for Fund 205	600.00*
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	EMILY'S	CAKE/PIONEER ROOM RECEIPT	62.99
HERITAGE PRESERVATIO	HOLLENBECK, ROBERT	REGISTRATION REIMBURSEME	80.00
HERITAGE PRESERVATIO	IOS CAPITAL	OCT MAINT	174.22
HERITAGE PRESERVATIO	LANGENFELD HEIDI	FLOWERS FOR PIONEER ROOM	60.00

City of Hastings  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
HERITAGE PRESERVATIO	LANDSCAPE RESEARCH	MATERIALS FOR PUBLIC MEE	80.00
HERITAGE PRESERVATIO	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	.75
HERITAGE PRESERVATIO	WALMART COMMUNITY BR	PRINTER CABLE	13.81
	Total for Department 170		471.77*
	Total for Fund 210		471.77*
FIRE	ALEX AIR APPARATUS I	REPLACEMENT BREATHING AI	11,146.91
FIRE	FORTIS BENEFITS INS	OCT LTD PREMIUM	167.47
FIRE	HASTINGS FIRE RELIEF	REIMBURSEMENT FOR FILM	116.30
FIRE	IOS CAPITAL	OCT MAINT	180.50
FIRE	METRO FIRE, INC.	STORZ MOUNTING PLATE	142.62
FIRE	MINNEGASCO,ACCT'S PA	MONTHLY GAS	69.76
FIRE	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	97.50
E	SCHUTT, MIKE	CONFERENCE	25.00
FIRE	VERIZON WIRELESS, BE	CELL PHONE	150.59
FIRE	WALMART COMMUNITY BR	BATTERIES	7.09
FIRE	WALMART COMMUNITY BR	CARTRIDGES / TAPE	141.42
FIRE	WALMART COMMUNITY BR	CUPS / PAPER TOWELS	71.70
FIRE	WORLDPOINT ECC	TEXTBOOK	58.75
FIRE	XCEL ENERGY	MONTHLY ELECTRICITY	945.78
	Total for Department 210		13,321.39*
AMBULANCE	HUBERTY ROSE	REFUND OVERPAYMENT 20020	13.26
AMBULANCE	PRIMEDIA WORKPLACE L	VIDEO SUBSCRIPTION	996.84
AMBULANCE	ZOLL MEDICAL CORP	DEFIB SUPPLIES	94.84
AMBULANCE	ZOLL MEDICAL CORP	STAT PADZ/ DEFIB SUPPLIE	712.12
	Total for Department 220		1,817.06*
	Total for Fund 213		15,138.45*
PUBLIC WORKS	HOISINGTON KOEGLER G	ON SITE MTG/ LOCK DAM RD	467.01
	Total for Department 300		467.01*
	Total for Fund 400		467.01*
PARKS AND RECREATION	BARR ENGINEERING CO.	GEOTECHNICAL EVAL/TRAIL	3,050.00
PARKS AND RECREATION	BARR ENGINEERING CO.	HWY 61 BIKE TR	563.50
PARKS AND RECREATION	GRAUS CONTRACTING, I	MCGUIRE SETTLEMENT/ JT M	10,000.00
PARKS AND RECREATION	WEBBER RECREATIONAL	BLEACHERS	29,731.25
	Total for Department 401		43,344.75*
	Total for Fund 401		43,344.75*
HOUSING AND REDEVELO	BRADLEY & DEIKE PA	BAILLYS LEGAL SERVICES	25.00
	Total for Department 500		25.00*
	Total for Fund 402		25.00*
EQUIPMENT REVOLVING	ASPEN EQUIPMENT CO	ROLLER	19,971.95

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
EQUIPMENT REVOLVING	COMPAQ COMPUTER CORP	DOCUMENT IMAGING SERVER	3,528.35
EQUIPMENT REVOLVING	J-CRAFT INC	VALVE / PLOW / AIR BAG	12,818.35
	Total for Department 800		36,318.65*
	Total for Fund 403		36,318.65*
HOUSING AND REDEVELO	BRADLEY & DEIKE PA	SIEBENALER LOAN DOCS	125.00
HOUSING AND REDEVELO	DAKOTA COUNTY RECORD	RECORDING FEE	20.00
HOUSING AND REDEVELO	FORTIS BENEFITS INS	OCT LTD PREMIUM	11.99
HOUSING AND REDEVELO	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	7.13
	Total for Department 500		164.12*
	Total for Fund 404		164.12*
ECONOMIC DEVELOPMENT	BRADLEY & DEIKE PA	BUSINESS SUBSIDY STUDY	100.00
ECONOMIC DEVELOPMENT	BRADLEY & DEIKE PA	C & A AGREEMENTS	337.50
ECONOMIC DEVELOPMENT	BRADLEY & DEIKE PA	LAWRENCE AGREEMENTS	250.00
ECONOMIC DEVELOPMENT	BRADLEY & DEIKE PA	MILLARD AGREEMENTS	262.50
ECONOMIC DEVELOPMENT	FORTIS BENEFITS INS	OCT LTD PREMIUM	13.82
ECONOMIC DEVELOPMENT	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	1.50
	Total for Department 180		965.32*
	Total for Fund 407		965.32*
PUBLIC WORKS	BDM CONSULTING ENGIN	18TH ST	144.00
PUBLIC WORKS	BDM CONSULTING ENGIN	2002 CONST PROG	108.00
PUBLIC WORKS	BDM CONSULTING ENGIN	8TH EDDY	36.00
PUBLIC WORKS	BDM CONSULTING ENGIN	KPB CIVIL ENG	196.00
PUBLIC WORKS	ASSOC CONSTRUCTION P	GS AD FOR BIDS 8/16	145.32
PUBLIC WORKS	ASSOC CONSTRUCTION P	GS AD FOR BIDS 8/9	145.32
PUBLIC WORKS	GRAPHIC DESIGN	SPECS/ GEN SIEBEN PRE-CO	186.38
PUBLIC WORKS	OTTO EXCAVATING, INC	MID SCH WM LOOP 2ND PAY	48,000.00
PUBLIC WORKS	SEH ENGINEERS	10TH & HWY 61	1,509.21
PUBLIC WORKS	SEH ENGINEERS	HWY 55 & GS DR	791.46
	Total for Department 300		51,261.69*
	Total for Fund 492		51,261.69*
PUBLIC WORKS	DEERFIELD ADVERTISIN	SHIRTS / DUBE	198.00
PUBLIC WORKS	FORTIS BENEFITS INS	OCT LTD PREMIUM	104.78
PUBLIC WORKS	GRAPHIC DESIGN	ENVELOPES	1,169.37
PUBLIC WORKS	HEUSSER, JAMES	APWA CONF	1,048.50
PUBLIC WORKS	IOS CAPITAL	OCT MAINT	197.98
PUBLIC WORKS	LYMAN DEVELOPMENT CO	REIMBURSE FOR OVERSIZE/	2,923.28
PUBLIC WORKS	MINNEGASCO,ACCT'S PA	MONTHLY GAS	100.70
PUBLIC WORKS	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	50.00
PUBLIC WORKS	NEXTEL COMMUNICATION	WIRELESS CHARGES	418.83
PUBLIC WORKS	T.D.'S CLEANING	SEPT	319.50
PUBLIC WORKS	XCEL ENERGY	MONTHLY ELECTRICITY	7,270.94
	Total for Department 300		13,801.88*

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 600			13,801.88*
PUBLIC WORKS	FORTIS BENEFITS INS	OCT LTD PREMIUM	43.50
PUBLIC WORKS	LYMAN DEVELOPMENT CO	REIMBURSE FOR OVERSIZE/	4,384.93
PUBLIC WORKS	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	20.00
PUBLIC WORKS	XCEL ENERGY	MONTHLY ELECTRICITY	1,298.00
Total for Department 300			5,746.43*
Total for Fund 601			5,746.43*
CITY CLERK	ALLINA MEDICAL CLINI	DOT PHYSICAL / SOGGIORNO	75.00
CITY CLERK	DEERFIELD ADVERTISIN	CLOTHING ALLOWANCE	42.00
CITY CLERK	DEERFIELD ADVERTISIN	COWDEN CLOTHING	127.50
CITY CLERK	FORTIS BENEFITS INS	OCT LTD PREMIUM	34.96
CITY CLERK	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	21.30
CITY CLERK	NEXTEL COMMUNICATION	CELL PHONE	78.76
Total for Department 107			379.52*
Total for Fund 610			379.52*
PARKS AND RECREATION	ARROW BUILDING CENTE	PLYWOOD	31.28
PARKS AND RECREATION	FORTIS BENEFITS INS	OCT LTD PREMIUM	49.68
PARKS AND RECREATION	GARTNER REFRIGERATIO	25% BILLING/ PROJ 222-02	13,232.62
PARKS AND RECREATION	MINNEGASCO,ACCT'S PA	MONTHLY GAS	214.77
PARKS AND RECREATION	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	19.73
PARKS AND RECREATION	XCEL ENERGY	MONTHLY ELECTRICITY	1,654.69
Total for Department 401			15,202.77*
Total for Fund 615			15,202.77*
PUBLIC WORKS	BRAUN PUMP & CONTROL	LABOR / MILEAGE	805.50
PUBLIC WORKS	BRAUN PUMP & CONTROL	PUMP RENTAL	1,597.50
PUBLIC WORKS	COLT ELECTRIC INC.	LABOR REPAIRS	3,715.83
PUBLIC WORKS	CONNELLY INDUSTRIAL	LABOR / MILEAGE	888.40
PUBLIC WORKS	CONNELLY INDUSTRIAL	LABOR / MILEAGE / CABLE	675.11
PUBLIC WORKS	COUNTRY INN & SUITES	HARRIS LODGING	144.16
PUBLIC WORKS	COUNTRY INN & SUITES	LODGING / ALTENHOFEN	216.24
PUBLIC WORKS	COUNTRY INN & SUITES	LODGING / HARRIS	216.24
PUBLIC WORKS	COUNTRY INN & SUITES	LODGING ALTENHOFEN	288.32
PUBLIC WORKS	FAIR OFFICE WORLD	PRINTER CARTRIDGES	114.93
PUBLIC WORKS	FORTIS BENEFITS INS	OCT LTD PREMIUM	13.75
PUBLIC WORKS	K.R. WEST CO. INC.	HERION PSW	444.00
PUBLIC WORKS	K.R. WEST CO. INC.	WIRE HOSES / SWIVELS	959.24
PUBLIC WORKS	LOVEGREEN TURBINE SE	GEAR BOX INSPECTION	12,254.06
PUBLIC WORKS	MCCABES COMMERCIAL D	DEWATERING HYDRO	13,950.00
PUBLIC WORKS	MINNESOTA MUTUAL	OCT LIFE INS PREMIUM	7.48
PUBLIC WORKS	PHILADELPHIA GEAR CO	HYDRO REPAIRS	85,930.00
PUBLIC WORKS	PORTABLE BARGE SERVI	CRANE / BOAT/ BARGE RENT	58,046.00
PUBLIC WORKS	SPAULDING CONSULTANT	INSPECTION	1,216.00
PUBLIC WORKS	WALMART COMMUNITY BR	CUPS / FILTERS	51.90

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	XCEL ENERGY	MONTHLY ELECTRICITY	20,060.03
		Total for Department 300	201,594.69*
		Total for Fund 620	201,594.69*
		Grand Total	606,248.82*

**October 7, 2002**

**APPROVED:**

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City Administrator

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Finance Director

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Councilmember Hazlet

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Councilmember Riveness

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Councilmember Schultz

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Councilmember Moratzka

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Councilmember Hicks

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Councilmember Yandrasits

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Mayor Werner



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

# Memo

**To:** City Council  
**From:** Becky Kline  
Finance Department  
**Date:** 09/24/2002

The attached Department Report itemizes vouchers that were paid on September 24, 2002.

Thank you.

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	REGINA MEDICAL CENTE	WELLNESS	123.37
	Total for Department 000		123.37*
COUNCIL AND MAYOR	FILTERFRESH	COFFEE SERVICE	180.00
	Total for Department 102		180.00*
ADMINISTRATION	BOISE CASCADE OFFICE	OFFICE SUPPLIES	136.25
ADMINISTRATION	BOISE CASCADE OFFICE	PENS	25.43
ADMINISTRATION	CORPORATE EXPRESS	FREIGHT	-26.79
ADMINISTRATION	CORPORATE EXPRESS	OFFICE SUPPLIES	890.34
ADMINISTRATION	CORPORATE EXPRESS	PAPER	533.94
ADMINISTRATION	CORPORATE EXPRESS	RIBBON	6.33
ADMINISTRATION	FARMER BROS CO.	COFFEE	23.92
	Total for Department 105		1,589.42*
CITY CLERK	EMILY'S	COOKIES	14.35
CITY CLERK	EMILY'S	ROLLS	35.70
	Total for Department 107		50.05*
MAINTENANCE	GLEWWE DOORS, INC.	ELECTRONIC KEYPADS	337.00
MAINTENANCE	MIDWEST FENCING & MF	REWORK FENCING PD GARAGE	1,825.00
MAINTENANCE	REIS, INC	SUPPLIES	44.64
	Total for Department 140		2,206.64*
POLICE	CHIEF SUPPLY	BARRICADE TAPE	78.38
POLICE	CITY OF MPLS.	AUTOMATED PAWN SYSTEM	117.00
POLICE	GRAFIX SHOPPE	DARE VEHICLE GRAPHICS	415.35
POLICE	KISSNER, CARY L.	REPAIR VEHICLE 1402	571.84
POLICE	MILLER & HOLMES, INC	SQUAD CAR WASHES	125.00
POLICE	MN D.A.R.E OFFICERS	HICKS / PUCH TRAINING	110.00
POLICE	RDJ SPECIALTIES, INC	HALLOWEEN DARE SUCKERS	152.35
POLICE	SHAMROCK ANIMAL CLIN	ANIMAL POUND STORAGE	559.32
POLICE	SPECIAL TEE'S	T-SHIRTS / FITNESS PROGR	354.20
POLICE	UNIFORMS UNLIMITED	GLOVES / GALLAND	39.90
POLICE	UNIFORMS UNLIMITED	NAME TAG / CHAPMAN	8.34
	Total for Department 201		2,531.68*
PUBLIC WORKS	ANDERSEN, E.F. & ASS	SIGNS	555.29
PUBLIC WORKS	H & L MESABI	BLADES	165.08
PUBLIC WORKS	H & L MESABI	BLADES / FREIGHT	699.71
PUBLIC WORKS	NIEBUR IMPLEMENT CO	BAR / CHAIN	41.22
PUBLIC WORKS	NIEBUR IMPLEMENT CO	CHAIN	31.51
PUBLIC WORKS	NIEBUR IMPLEMENT CO	CHAIN / OIL	27.73
PUBLIC WORKS	NIEBUR IMPLEMENT CO	LABOR	15.00
PUBLIC WORKS	NIEBUR IMPLEMENT CO	STRING	38.28
PUBLIC WORKS	NINE EAGLES PROMOTIO	PUBLIC WORKS TRUCK LOGO	265.00
PUBLIC WORKS	SPRING CITY ELECTRIC	POSTS / TEMPLATES / BALL	10,411.00
PUBLIC WORKS	ZAHL PETROLEUM MAINT	OIL	174.98
	Total for Department 300		12,424.80*
PARKS AND RECREATION	UNITED BUILDING CENT	SR CENTER REPAIR	32.72

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
		Total for Department 401	32.72*
MISCELLANEOUS	MAGUIRE AGENCY	AGENT FEES	3,000.00
		Total for Department 600	3,000.00*
		Total for Fund 101	22,138.68*
PARKS AND RECREATION	RADKE ELECTRIC	CHECK POWER OUTAGE AT VE	75.00
PARKS AND RECREATION	SKIP'S SPRINKLERS	SPRINKLER REPAIRS	285.60
		Total for Department 401	360.60*
		Total for Fund 200	360.60*
PARKS AND RECREATION	SPRINT	YELLOW PAGES ADVERTISING	16.75
		Total for Department 401	16.75*
		Total for Fund 201	16.75*
	REGINA MEDICAL CENTE	WELLNESS	300.00
		Total for Department 000	300.00*
		Total for Fund 213	300.00*
PARKS AND RECREATION	INGRAHAM & ASSOCIATE	MAPPING / SURVEY RESULTS	1,255.72
		Total for Department 401	1,255.72*
		Total for Fund 401	1,255.72*
EQUIPMENT REVOLVING	RADKE ELECTRIC	ENTRY RECESSED LIGHT REW	286.00
EQUIPMENT REVOLVING	RADKE ELECTRIC	MANHOLE REPAIR / REWIRE	2,120.56
		Total for Department 800	2,406.56*
		Total for Fund 403	2,406.56*
PUBLIC WORKS	BARR ENGINEERING CO.	WELLHEAD PROTECTION DELI	4,856.50
PUBLIC WORKS	BOISE CASCADE OFFICE	PAPER	84.99
PUBLIC WORKS	DPC INDUSTRIES, INC.	HYDROFLOUR ACID	319.62
PUBLIC WORKS	DATALINK TECHNOLOGIE	COMMUNICATION CONTROLLER	539.50
PUBLIC WORKS	ECOLAB PEST ELIM.DIV	ODOR UNIT	11.72
PUBLIC WORKS	GOPHER STATE ONE-CAL	LOCATE TICKETS	257.30
PUBLIC WORKS	NINE EAGLES PROMOTIO	PUBLIC WORKS TRUCK LOGO	265.00
PUBLIC WORKS	REGINA MEDICAL CENTE	WELLNESS	40.00
		Total for Department 300	6,374.63*
		Total for Fund 600	6,374.63*
PUBLIC WORKS	INFRATECH	TELEVISIONING	2,062.50
PUBLIC WORKS	MCES	OCT WASTEWATER SERVICE	60,680.00
PUBLIC WORKS	REGINA MEDICAL CENTE	WELLNESS	10.00
		Total for Department 300	62,752.50*

City of Hastings  
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 601			62,752.50*
CITY CLERK	MOTOR PARTS SERVICE	LIGHT	84.94
CITY CLERK	REGINA MEDICAL CENTE	WELLNESS	36.63
Total for Department 107			121.57*
Total for Fund 610			121.57*
PARKS AND RECREATION	ARROW BUILDING CENTE	BOARDS	26.54
PARKS AND RECREATION	R & R SPECIALITIES,	BUSHING / LIFT BAR	126.84
PARKS AND RECREATION	REGINA MEDICAL CENTE	WELLNESS	30.00
PARKS AND RECREATION	SHERWIN-WILLIAMS	PAINT	34.73
Total for Department 401			218.11*
Total for Fund 615			218.11*
PUBLIC WORKS	COLT ELECTRIC INC.	LABOR / REPAIRS	3,072.66
PUBLIC WORKS	COUNTRY INN & SUITES	ALTENHOFEN LODGING	360.40
PUBLIC WORKS	COUNTRY INN & SUITES	HARRIS LODGING	144.16
PUBLIC WORKS	JAYTECH, INC.	GLYCOL	392.08
PUBLIC WORKS	K.R. WEST CO. INC.	BUSHINGS / GUAGES	104.75
PUBLIC WORKS	K.R. WEST CO. INC.	HEDLANDS / FREIGHT	4,256.96
PUBLIC WORKS	K.R. WEST CO. INC.	LABOR / MILEAGE	4,212.00
PUBLIC WORKS	K.R. WEST CO. INC.	PARTS	60.68
PUBLIC WORKS	K.R. WEST CO. INC.	SWITCH	196.10
PUBLIC WORKS	LOVEGREEN TURBINE SE	GEAR BOX INSPECTION	5,797.41
PUBLIC WORKS	MENARDS	WIRE / DUCT TAPE/ TARPS	177.25
PUBLIC WORKS	MODERN OFFICE	DESK/ CABINET	788.44
PUBLIC WORKS	NORTH AMERICAN HYDRO	LABOR / MILEAGE/ MEALS	29,178.78
PUBLIC WORKS	PHILADELPHIA GEAR CO	COUPLING	6,430.00
Total for Department 300			55,171.67*
Total for Fund 620			55,171.67*
Grand Total			151,116.79*

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

# Memo

**To:** City Council  
**From:** Becky Kline  
Finance Department  
**Date:** 10/01/2002

The attached Department Report itemizes vouchers that were paid on October 1, 2002.

Thank you.

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	L.E.L.S.	PAYROLL	560.00
	LOCAL UNION 49	PAYROLL	810.00
	LOCAL 320	PAYROLL	795.00
	MINNESOTA NCPERS	PAYROLL	172.00
	MN CHILD SUPPORT PMT CONNELL/ CS001435452601		369.17
	MN CHILD SUPPORT PMT PUCH/CS 000138614701 & 0		604.70
	TEAMSTERS 320 WELFAR	PAYROLL	390.00
	Total for Department 000		3,700.87*
ADMINISTRATION	MN GOV'T FINANCE OFF BENSON / INTERMEDIATE FU		60.00
	Total for Department 105		60.00*
LEGAL	FLUEGEL,MOYNIHAN,MIL	PAYROLL	10,838.33
	Total for Department 130		10,838.33*
POLICE	BOISE CASCADE OFFICE	OFFICE SUPPLEIS	106.45
POLICE	BOISE CASCADE OFFICE	OFFICE SUPPLIES	242.16
POLICE	CHIEF SUPPLY	KEGLEY / EYESHIELD	29.99
POLICE	EMILY'S	BOX LUNCHES	45.08
POLICE	EMILY'S	OPEN HOUSE/ MEETING COOK	19.92
POLICE	GRAPHIC DESIGN	ENVELOPES	176.79
POLICE	GRAPHIC DESIGN	MURR / BUSINESS CARDS	67.10
POLICE	U.S. INTERNET	DOMAIN SITE FEE	44.95
POLICE	W.H. PENNEY CO.	SHOOTING TARGETS / AMMO	571.91
POLICE	WALMART COMMUNITY BR	PAPER	23.56
POLICE	WALMART COMMUNITY BR	WASHER FLUID / MATS	23.24
	Total for Department 201		1,351.15*
BUILDING AND INSPECT	LAKE COUNTRY CHAPTER	ICBO EDUCATION/MESAROS&B	525.00
BUILDING AND INSPECT	MCES	AUGUST SAC CHARGES	35,640.00
BUILDING AND INSPECT	SPECIAL TEE'S	ID BADGE LANYARDS	14.06
	Total for Department 230		36,179.06*
PUBLIC WORKS	COMMERCIAL ASPHALT C	5.02 TON HOT MIX	149.70
PUBLIC WORKS	COMMERCIAL ASPHALT C	5.1 TON HOT MIX	152.08
PUBLIC WORKS	FROST FRANK O.	RELEASE REMAINING ESCROW	887.80
PUBLIC WORKS	G & K SERVICES	MATS / TOWELS	112.55
PUBLIC WORKS	MIDWEST MACHINERY, I	O-RINGS	3.54
PUBLIC WORKS	PINE BEND PAVING, IN	4.98 TON HOT MIX	159.12
	Total for Department 300		1,464.79*
	Total for Fund 101		53,594.20*
PARKS AND RECREATION	LEEF BROTHERS, INC.	TOWEL SERVICE	37.66
PARKS AND RECREATION	MINNESOTA NCPERS	PAYROLL	25.00
PARKS AND RECREATION	TWIN CITY TREE TRUST	LUMBER/ PICNIC TABLES	1,179.00
PARKS AND RECREATION	VIKING SAFETY PRODUC	EAR PLUGS	63.90
	Total for Department 401		1,305.56*
	Total for Fund 200		1,305.56*

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
HERITAGE PRESERVATIO	TROPHIES PLUS	VOLUNTEER PLAQUES	42.60
	Total for Department 170		42.60*
	Total for Fund 210		42.60*
	MINNESOTA NCPERS	PAYROLL	80.00
	Total for Department 000		80.00*
FIRE	AMERIPRIDE LINEN & A ROLL TOWELS		26.63
FIRE	CARLSON AUTO TRUCK I	VEHICLE SERVICE	81.25
FIRE	DANKO EMERGENCY EQUI	NOZZLES	6,011.00
FIRE	FAIR OFFICE WORLD	OFFICE SUPPLIES	203.80
FIRE	GERRY'S FIRE PROTECT	FIRE EXTINGUISHER SERVIC	26.63
RE	NAT'L FIRE PROTECTIO	CODE SUBSCRIPTION	562.50
RE	PJS AND ASSOCIATES I	LADDER SAFETY BELTS	788.49
FIRE	REIS, INC	PARTS	10.18
FIRE	VALLEN SAFETY SUPPLY	SENSOR OXYGEN	156.84
	Total for Department 210		7,867.32*
AMBULANCE	BOLLENBECK WILLIAM /	REFUND OVERPAYMENT #2002	425.67
AMBULANCE	MOORE MEDICAL CORP.	AMBULANCE SUPPLIES	916.09
AMBULANCE	PRAXAIR DISTRIBUTION	MEDICAL OXYGEN	161.60
AMBULANCE	REGINA MEDICAL CBNTE	AMBULANCE SUPPLIES	129.51
AMBULANCE	REGINA MEDICAL CBNTE	AUGUST AMB SUPPLIES	199.80
	Total for Department 220		1,832.67*
	Total for Fund 213		9,779.99*
PARKS AND RECREATION	BARR ENGINEERING CO.	DESIGN WORK/UNDERPASS VE	1,354.05
PARKS AND RECREATION	HOISINGTON KOEGLER G	INTERPRETIVE CENTER	1,644.37
PARKS AND RECREATION	TWIN CITY TREE TRUST	LUMBER/ PICNIC TABLES	26.25
	Total for Department 401		3,024.67*
	Total for Fund 401		3,024.67*
HOUSING AND REDEVELO	ANDERSEN, E.F. & ASS	PARKING SIGNAGE	2,123.61
HOUSING AND REDEVELO	EHLERS & ASSOC	BAILLYS SERVICES	450.00
HOUSING AND REDEVELO	HOISINGTON KOEGLER G	BAILLYS DESIGN	2,408.75
HOUSING AND REDEVELO	SEH ENGINEERS	BAILLYS / TIF STUDY	882.80
	Total for Department 500		5,865.16*
	Total for Fund 402		5,865.16*
HOUSING AND REDEVELO	HASTINGS STAR GAZETT	MASTER PLAN INPUT / LCDA	73.00
HOUSING AND REDEVELO	HOISINGTON KOEGLER G	LCDA PLAN / AUG	6,772.43
HOUSING AND REDEVELO	MEYER COMPANY	EXTERIOR IMPROVEMENT REI	500.00
HOUSING AND REDEVELO	SIEBENALER EDNA	REHAB LOAN	8,750.00
	Total for Department 500		16,095.43*
	Total for Fund 404		16,095.43*

City of Hastings  
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	CONNELLY INDUSTRIAL	STANDBY UPS	1,145.09
PUBLIC WORKS	LIGHTBOURN WELDING	INSPECTION	60.00
PUBLIC WORKS	MINNESOTA NCPERS	PAYROLL	32.00
PUBLIC WORKS	US FILTER DISTRIBUTI	BATTERY	165.87
		Total for Department 300	1,402.96*
		Total for Fund 600	1,402.96*
PUBLIC WORKS	CONNELLY INDUSTRIAL	STANDBY UPS	954.24
		Total for Department 300	954.24*
		Total for Fund 601	954.24*
CITY CLERK	MINNESOTA NCPERS	PAYROLL	16.00
		Total for Department 107	16.00*
		Total for Fund 610	16.00*
PARKS AND RECREATION	ARROW BUILDING CENTE	LUMBER	63.63
PARKS AND RECREATION	MINNESOTA NCPERS	PAYROLL	16.00
		Total for Department 401	79.63*
		Total for Fund 615	79.63*
PUBLIC WORKS	BRAUN PUMP & CONTROL	PUMP RENTAL	3,674.25
PUBLIC WORKS	MINNESOTA NCPERS	PAYROLL	16.00
		Total for Department 300	3,690.25*
		Total for Fund 620	3,690.25*
		Grand Total	95,850.69*



## MEMORANDUM

TO: Mayor Werner and City Councilmembers  
 FROM: Melanie Mesko Lee, Administrative Assistant/City Clerk  
 DATE: October 2, 2002  
 RE: Amusement Device License Renewals

Council Action Requested:

Approve the following list of organizations for amusement device license renewals for the 2002-2003, contingent upon renewal paperwork being received in full and all fees paid. These licenses apply for games of skill, juke boxes, coin amusements, and game tables.

Amusement Licenses: 2002/2003	
LICENSEE NAME	ADDRESS
American Legion	50 Sibley Street
The Bar	2101 Vermillion Street
Bierstube	109 West 11 <sup>th</sup> Street
Eagles	1220 Vermillion Street
Olivers Grove	1223 Vermillion Street
Papa Charrito's	350 West 33 <sup>rd</sup> Street
Pizza Hut	1330 South Frontage Road
Rivers Grill & Bar	412 Vermillion Street
RJ's	106 2 <sup>nd</sup> Street East
VFW Post 1210	320 2 <sup>nd</sup> Street East
Wal-Mart	225 33 <sup>rd</sup> Street West

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

## APPENDIX A

## 2002 GENERAL ELECTION JUDGES

Denice Kehn  
Vince Teuber  
Dora Hinton  
Margaret Hicks  
Kevin Peterson  
Rose Sieben  
Carol Scully  
Patricia Fox  
Jamie Schroeder  
Byrl Wessinger  
James Allen  
Kay Smith  
Rose Lucker  
Julie Swanson  
Nancy Olsen  
Mary Teuber  
Fern Mjolsness  
Susan Cruse  
Margaret Nicholas  
Mary Kellogg  
Angie Olson  
Marie Smead  
Carol Allen  
Maxine Wiech  
Geraldine Vaith  
Helen McDonald  
Joe Schroeder  
Robert Williams  
Karla Heideman  
Marcia Caneff  
Lois Malm  
Shirle Stevens  
Roxann Petersen  
Jerome Bambenek

Kevin Kehn  
Janice Niederkorn  
Ann Stoffel  
Janice Burr  
Bill McNamara  
Regina Jones  
Phyllis McConnell  
Chuck Cragoe  
Brandy Aurand  
Helen Ruedy  
Gladys Anderson  
Joan Moes  
Pat Milliren  
Marge Trautmann  
Emeline Hamilton  
Kathy Lee  
John Schutt  
Char Rondeau  
Jeanne McGree  
Doris Cragoe  
Muriel Fletcher  
Marlene Swanson  
Melva Jane Proechel  
Linda Dickinson  
Mary Crawmer  
Janet McNamara  
Sheila Jones  
Cindy Towe  
Mary Ann Teuber  
LaVonne Olson  
Elizabeth Schmitz  
Char Stoudt  
Mary Ellen Olson

**CITY OF HASTINGS  
COUNTIES OF DAKOTA & WASHINGTON**

**RESOLUTION NO. 10-\_\_-02**

**A RESOLUTION OF ADOPTION OF GENERAL ELECTION JUDGES FOR 2002**

**WHEREAS,** The City Council of the City of Hastings is required by MS 204B.21, Sec. 2, to officially approve the appointment of election judges; and

**WHEREAS,** the Hastings City Council hereby adopts the judges listed on Exhibit A, hereto attached, as the official judges for the November 5, 2002 General Election, with the understanding that amendments may be necessary to the appointments in order to fill vacancies and meet party splits.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Hastings that the names listed on Exhibit A, hereto attached, are the official Election Judges for the City of Hastings General Election on November 5, 2002.

Adopted by the Hastings City Council this, the 7<sup>th</sup> day of October 2002.

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Michael 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: October 2, 2002  
Re: Contingent Approval of On-Sale & Sunday On-Sale Liquor License at DuGarel's  
(formerly Bucaneer Bowling Alley)

Council Action Requested:

Approve the issuance of an On-Sale & Sunday On-Sale liquor license at DuGarel's, contingent upon compliance with all building codes, planning conditions, and other applicable city ordinances and conditions.

Background:

Staff received an application from Greg Jablonske for an On-Sale & Sunday On-Sale liquor license at DuGarel's (formerly the Bucaneer Bowling Alley). Mr. Jablonske has completed all applicable application materials and a background check has been conducted on him; once a manager for the establishment has been selected, a background check is also required to be conducted on that person. Based on the information received to date, there appears to be nothing that disqualifies Mr. Jablonske from being issued a liquor license.

The establishment is not yet open for business, and this approval is contingent upon all city codes and conditions being met. The license will not be issued until a Certificate of Occupancy has been issued. Should a Certificate of Occupancy not be issued prior to December 31, 2002, staff is recommending that the approval be rescinded and the applicant must receive renewed approval by the Council. This request is being made in consideration of other applicants who have expressed an interest in obtaining an on-sale liquor license, the number of which can be issued is limited by state law.

Attachments:

1. Resolution  
Application materials on file

**CITY OF HASTINGS  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION NO. 10- -02**

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE  
OF AN ON-SALE AND SUNDAY ON-SALE LIQUOR LICENSE AT DUGAREL'S**

**WHEREAS**, Greg Jablonske has presented application to the City of Hastings for an on-sale and Sunday on-sale liquor license at DuGarel's (formerly Bucaneer Bowling Alley) in Hastings, Minnesota; and

**WHEREAS**, staff has received all necessary paperwork and a background check has been conducted by the Hastings Police Department; and

**WHEREAS**, there has been no information found that would disqualify Mr. Jablonske from being issued a liquor license within the City of Hastings; and

**WHEREAS**, all City Codes and approval conditions must be complied with prior to the issuance of the liquor license, per the October 2, 2002 staff report.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hastings that the Mayor and Administrative Assistant/City Clerk are authorized and directed to sign this resolution approving the issuance of a liquor license to DuGarel's, upon successful completion of the conditions listed in the October 2, 2002 staff report.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS THIS 7<sup>th</sup> DAY  
OF OCTOBER 2002.**

**Ayes:**

**Nays:**

**Absent:**

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Michael D. Werner, Mayor

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Melanie Mesko Lee, Administrative Assistant/City Clerk

**(SEAL)**

# Memo

**To:** Mayor Werner and City Council

**From:** John Hinzman, Planning Director

**Date:** October 7, 2002

**Subject:** Development Agreement – School House Square Development Plan

## REQUEST

The City Council is asked to approve the attached Development Agreement between the City and Camegaran, LLC (Pat Regan) for the Development Plan of School House Square, a mixed use residential, commercial and office development located at the former Hastings Middle School Site northeast of 10<sup>th</sup> and Vermillion Streets.

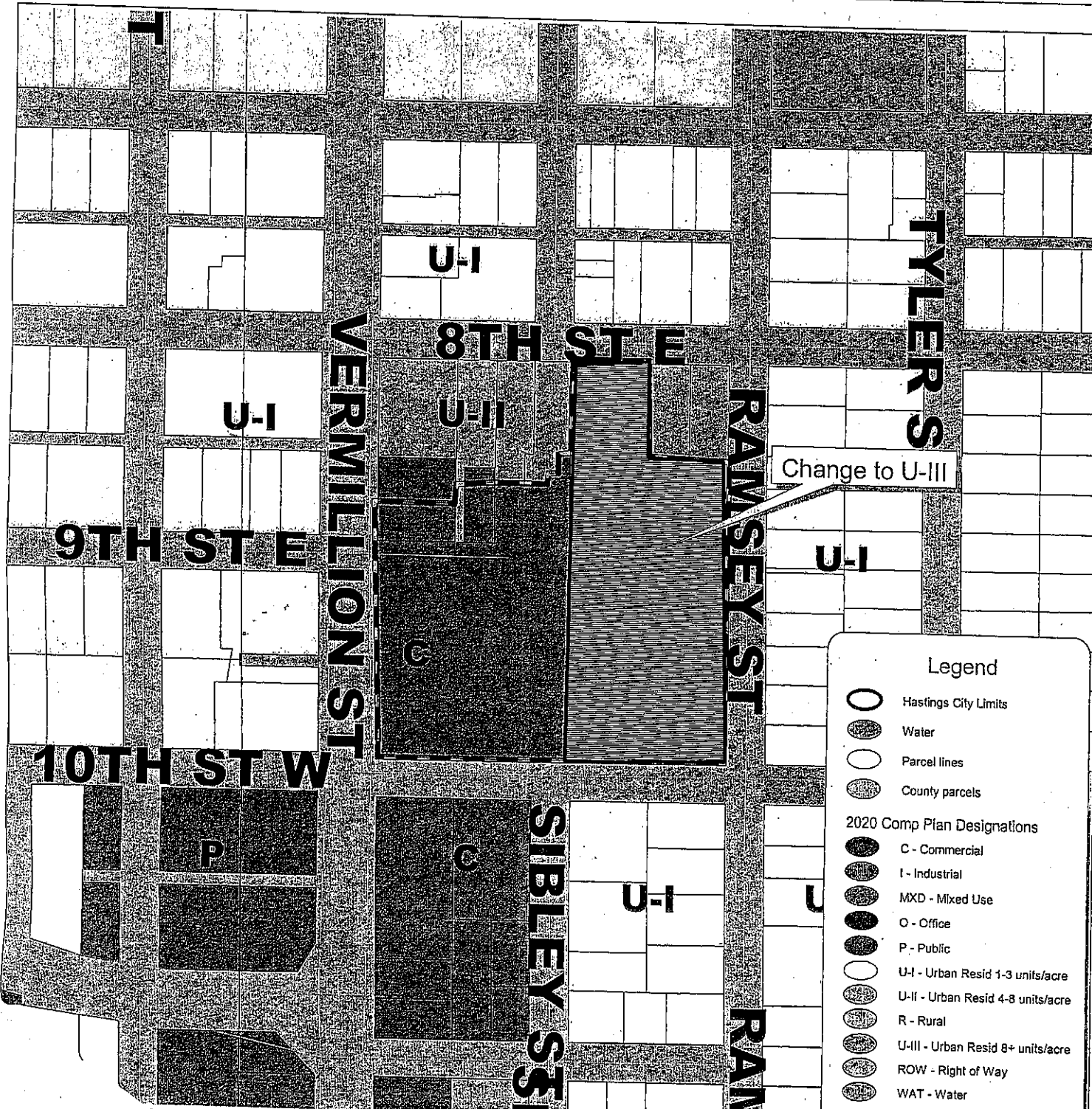
The City Council granted Development Plan approval on June 3, 2002. As a condition of approval, the developer was required to enter into a development agreement with the city to memorialize conditions of approval.

The Development Agreement outlines parameters for future construction including platting and site plan applications. Further City Council approvals will be needed before any construction could commence.

## ATTACHMENTS

- Location Map
- Development Plan
- Development Agreement

# School House Square Comp Plan Amendment



**Legend**

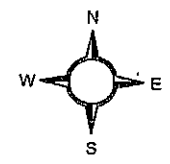
- Buildings
- Roads
- Parcels

**Legend**

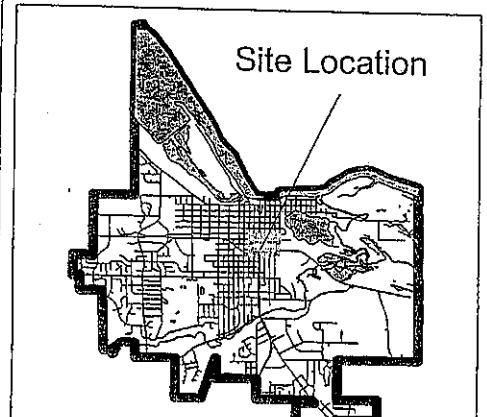
- Hastings City Limits
- Water
- Parcel lines
- County parcels

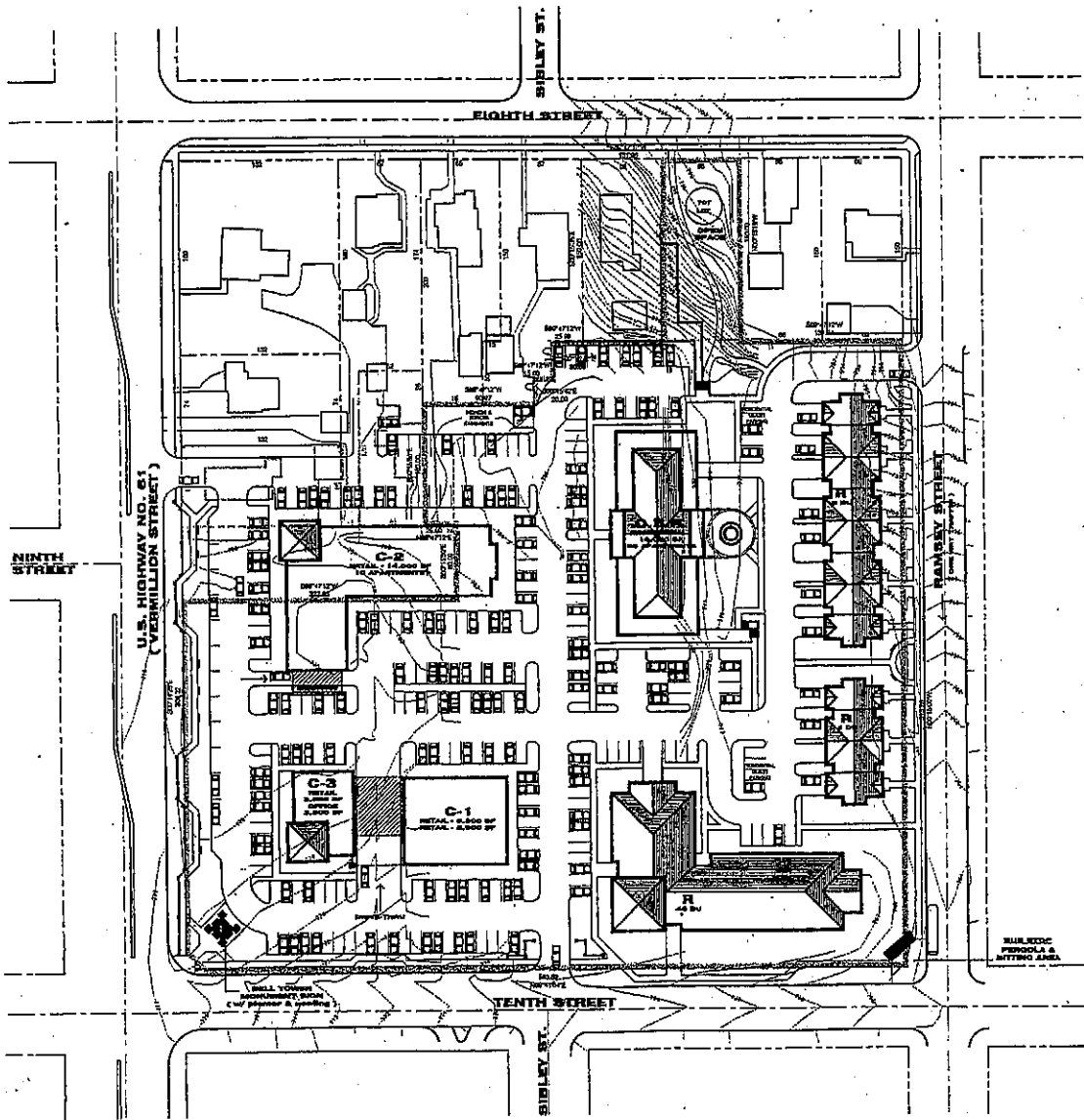
**2020 Comp Plan Designations**

- C - Commercial
- I - Industrial
- MXD - Mixed Use
- O - Office
- P - Public
- U-I - Urban Resid 1-3 units/acre
- U-II - Urban Resid 4-8 units/acre
- R - Rural
- U-III - Urban Resid 8+ units/acre
- ROW - Right of Way
- WAT - Water



Map Date: August 12, 2002





SITE DATA BLOCK	
NET AREA (see above)	6.9 AC +/-
USE	
C-1	RETAIL COMMERCIAL BLDG. SQ. FT. : 11,800 SF +/-
C-2	RETAIL COMMERCIAL BLDG. SQ. FT. : 14,000 SF +/- HOUSES - 10 APARTMENTS
C-3	RETAIL / OFFICE RETAIL : 3,800 SF +/- OFFICE : 2,800 SF +/-
O.S.R.	MIXED USE • 1ST FLOOR : COMMERCIAL / BUSINESS BLDG. SQ. FT. (1ST FLOOR) : 10,000 SF +/- • UPPER LEVELS (2ND - 4TH FLOOR) : RESIDENC. : 80 UNITS
R	RESIDENTIAL • 2-STORY BUILDINGS - 40 UNITS • TOWNHOUSES - ROW HOUSE STYLE - 12 UNITS • APARTMENTS OVER COMMERCIAL - 10
PARKING	COMMERCIAL : 275 +/- RESIDENTIAL - • SUITE : 22 +/- • COVERED : 84 +/-

0' 0" 30' 60'

DEVELOPED BY:  
**CAMERON,  
LLC.**  
MR. PATRICK HOGAN  
PH 612.708.8788

ARCHITECT:  
**SCHOLL  
& MADSON,  
INC.**  
MR. KIM ADOLF  
PH 651.848.7401

PRELIMINARY  
PLAN  
SUBMISSION  
PACKAGE

**SCHOOL  
HOUSE  
SQUARE**  
HASTINGS,  
MINNESOTA

REVISION: 7.22  
DATE: 2/1/04

**SITE PLAN**

SHEET: 1 OF 1

**DESIGN  
FORUM  
INCORPORATED**  
ARCHITECTURAL FIRM  
1000 W. WASHINGTON ST.  
MINNEAPOLIS, MN 55401  
PH 612.338.1111  
WWW.DESIGNFORUMINC.COM



**DEVELOPMENT PLAN AGREEMENT FOR  
SCHOOL HOUSE SQUARE**

This Agreement is made and entered into this \_\_\_ day of October, 2002, by and between the City of Hastings, a Minnesota municipal Corporation ("City") and Camegaran, LLC, a Minnesota Limited Liability Company ("Developer").

**Recitals.**

- A. Developer proposes to construct a mixed residential and commercial development on the site commonly referred to as the "old middle school site" at the northeast corner of the intersection of Vermillion and 10<sup>th</sup> Streets in the City of Hastings legally described as:

See Exhibit A

hereafter referred to as "Subject property".

- B. Developer has submitted development plans, drawings and miscellaneous other documents to the City outlining how Developer proposes to develop this site with a mixed residential, commercial and business use.
- C. The City's planning commission and city council have reviewed these development plan documents. A neighborhood meeting was held on August 7, 2002 to allow neighboring residents an opportunity to review the Development Plan documents, to ask questions and provide input.
- D. The planning commission and city council are in general agreement with the development plan by the Developer regarding the types of uses, the densities, site layout, elevations, architectural style of proposed buildings and other general features proposed by Developer.
- E. The parties wish to memorialize their preliminary agreement regarding the proposed development of the old middle school site so as to provide an understanding and agreement regarding the more significant development conditions.
- F. The parties recognize that there is a necessity for refinement of actual development and construction details, which will be incorporated into future development agreements.

***NOW, THEREFORE***, it is agreed by the parties as follows:

1. **Purpose of this Development Plan Agreement.** The parties are entering into this Concept Plan Agreement for the purpose of guiding the future development of the

Subject Property, as well as to serve as a guide for future approvals requested by the Developer from the City.

2. **Density.** Subject to Met Council approval, the development is approved for 84 residential housing units. The City recognizes Developers need to be able to transfer some of the residential units amongst the C-2, CBR and New R buildings to meet site and marketing conditions. All such transfers would be subject to city council approval.
3. **Tenth Street.** The Developer will dedicate, for right-of-way purposes, a strip of land 10 feet in width generally located between Sibley Street and Vermillion Street. The length and location of this strip will be determined during the platting process.
4. **CBR Building.** The CBR building may be up to 3 stories of height as viewed from the west side, and 4 stories of height as viewed from the east side.
5. **Tree Preservation.** Developer will extend reasonable efforts to preserve existing trees within the scope of the development plans.
6. **Ramsey Street.** Two accesses shall be allowed on Ramsey Street, one of which may be at the southeast corner of the development, with a straight-in-access to the New R building so long as the City determines there is adequate set back from Tenth Street for traffic flow purposes. All accesses onto Ramsey Street shall be designed so as to prevent vehicle headlights from impacting existing houses across Ramsey Street.
7. **Eighth Street.** No vehicular traffic access from the subdivision shall be allowed onto Eighth Street, but it is understood that a driveway access to dwellings that may be built or moved onto the vacant lot will be allowed.
8. **Ninth Street.** The City will vacate Ninth Street as platted within the subdivision only upon Developer's provision of easements to allow access to buildings that have access from Ninth Street and which easements are acceptable to the owner's of the affected property.
9. **Livable Communities Grant.** The City and Developer will cooperate in the application and processing of livable communities grants, available through the Metropolitan Council and/or other governmental agencies.
10. **Architectural Style.** The general architectural style of the development shall be generally as indicated in the development plans previously submitted to the City.
11. **Landscaping.** The Developer shall meet or exceed the City's landscape standards.

12. Amenities. Development amenities shall include a bell tower, tot lot, linear park on Vermillion Street, bus stop area near Tenth and Ramsey Streets, courtyard area on east side of CBR building, and pedestrian walkways through the site and be generally consistent with the development plans previously submitted to the City.
13. Placement of Buildings. The type and placement of buildings shall be generally consistent with the development plans previously submitted and approved by the city council.

Dated this \_\_\_ day of \_\_\_\_\_, 2002.

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

By: \_\_\_\_\_  
Michael D. Werner, Mayor

**(SEAL)**

By: \_\_\_\_\_  
Melanie Mesko Lee, Administrative  
Assistant/City Clerk

Dated this \_\_\_ day of \_\_\_\_\_, 2002.

**CAMEGARAN, LLC, A MINNESOTA  
LIMITED LIABILITY COMPANY**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**(SEAL)**

# Memo

**To:** Mayor Werner and City Council  
**From:** John Hinzman, Planning Director  
**Date:** October 7, 2002  
**Subject:** Development Agreement – Riverwood 7<sup>th</sup> Addition

## REQUEST

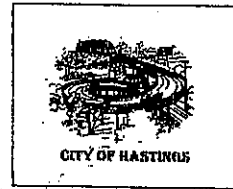
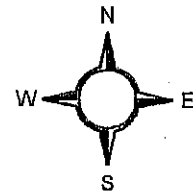
The City Council is asked to approve the attached Development Agreement between the City and Advanced Homes of Hastings, et al (Neal Siewert) for the Preliminary Plat of Riverwood 7<sup>th</sup> Addition, a 75 lot subdivision consisting of single family, townhome, and apartment lots adjacent to the existing Riverwood subdivision south of County Road 47.

The City Council granted Preliminary and Final Plat approval on September 3, 2002. As a condition of approval, the developer was required to enter into a development agreement with the city to memorialize conditions of approval.

## ATTACHMENTS

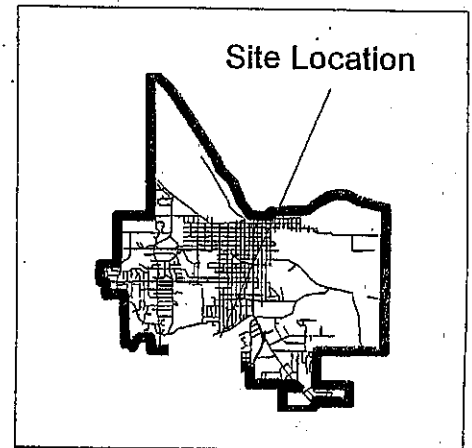
- Location Map
- Preliminary Plat
- Development Agreement

# Riverwood 7th Prelim/ Final Plat

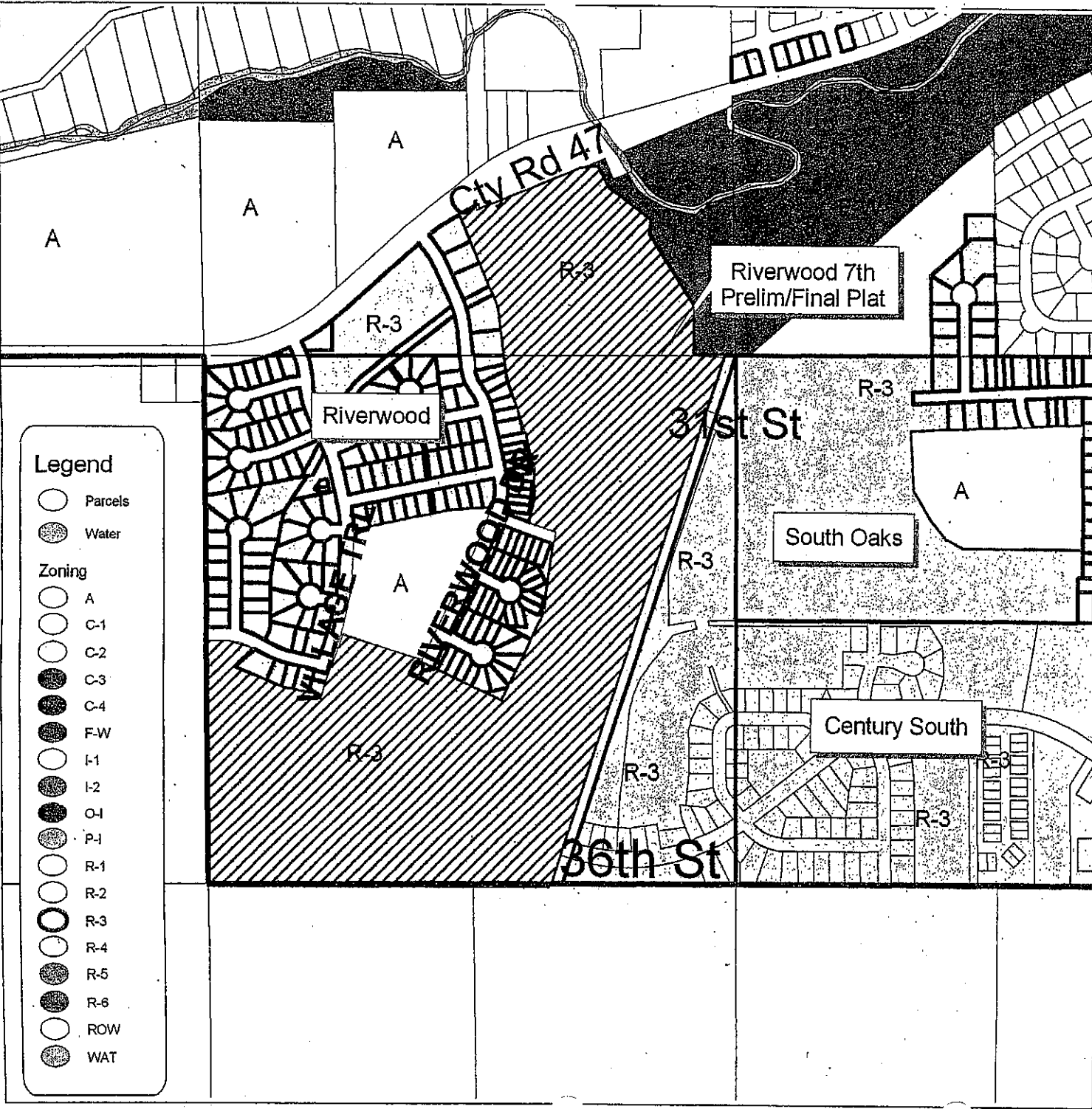


## Legend

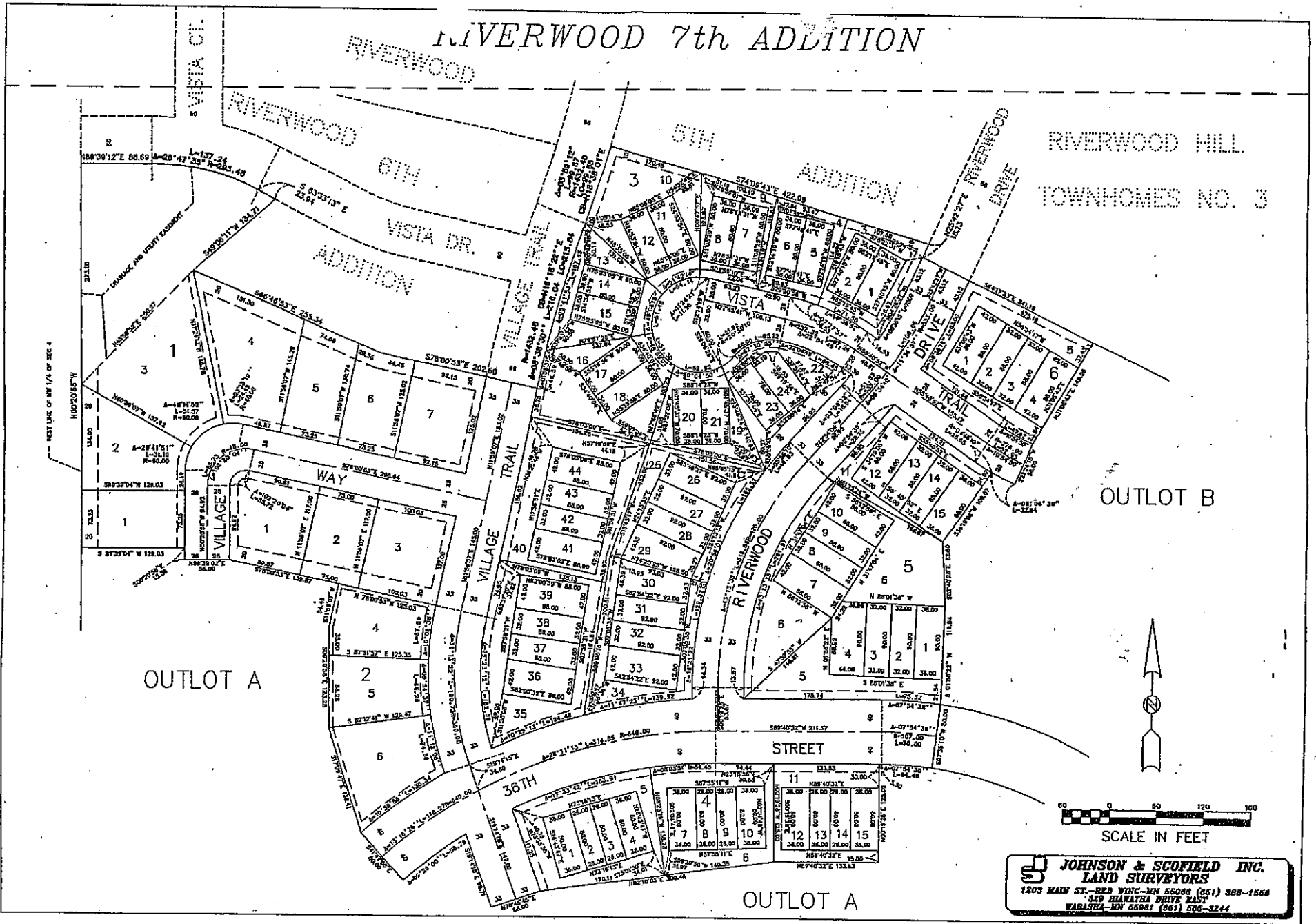
- Hastings City Limits
- City Parcels
- Township Parcels



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



# RIVERWOOD 7th ADDITION



OUTLOT B

OUTLOT A

OUTLOT A



**JOHNSON & SCOFIELD INC.**  
**LAND SURVEYORS**  
 1205 MAIN ST.-RED WING-MY 55005 (651) 388-1668  
 329 HAWAYTHA DRIVE EAST  
 WARSAW-MN 55081 (651) 686-3244

**DEVELOPMENT AGREEMENT FOR  
RIVERWOOD 7<sup>TH</sup> ADDITION**

*THIS AGREEMENT* is made this \_\_\_\_ day of \_\_\_\_\_, 2002, by and between the City of Hastings, a Minnesota Municipal Corporation (City) and Advanced Homes of Hastings, Inc., a Minnesota Corporation (“Developer”); Edith M. Nowicki, a single person (“Nowicki”); and Edith M. Nowicki and Midway National Bank of St. Paul, National Association, Co-Trustees of Trust B under the Last Will and Testament of Raymond L. Nowicki, dated May 10, 1989 (“Co-Trustees”).

*WHEREAS*, Developer proposes to undertake the development and construction of a residential development on property proposed to be platted as “*Riverwood 7<sup>th</sup> Addition*” (hereafter referred to as “Subject Property”); and

*WHEREAS*, Nowicki and Co-Trustees are selling the Subject Property to Developer on a contract for deed; and

*WHEREAS*, public hearings have been held providing the opportunity for input by the neighbors and other interested persons; and

*WHEREAS*, the Hastings City Council has approved Developer’s proposed plat of the Subject Property, subject to Developer, Nowicki and Co-Trustees entering into this Development Agreement and otherwise complying with all conditions of city council approval; and

*WHEREAS*, Developer, Nowicki and Co-Trustees are signing this Development Agreement fully expecting to bind their respective interests on the Subject Property to the extent set forth herein.

*NOW THEREFORE*, it is hereby agreed between the parties as follows:

1. Application of Development Agreement. This Development Agreement shall apply to the following property proposed to be platted in the City of Hastings, Dakota County, Minnesota, legally described as:

**Riverwood 7<sup>th</sup> Addition**, according to the plat thereof,  
to be filed in the Dakota County Recorder's Office.

This property hereafter shall be referred to as "Subject Property". All references in this Development Agreement to a lot, block or outlot, shall refer to lot, block or outlot contained in the plat of Riverwood 7<sup>th</sup> Addition.

2. Parties Authority to Sign. Developer warrants to the City it has full authority to enter into this Development Agreement and perform the conditions herein contained. Developer further warrants that this Development Agreement will be recorded against the Subject Property before any of the Subject Property is transferred or encumbered in any way. Nowicki and Co-Trustees are signing this Development Agreement to bind their interest in the Subject Property to the terms of this Development Agreement.
3. Density. The Subject Property has been approved for 13 single family lots, 60 town home lots, 2 apartment/condominium building lots and 3 outlots. All development of the Subject Property shall be consistent with the conditions of preliminary plat and final plat approval imposed by the Hastings City Council.
4. Maintenance of Common Open Areas, Ponding Basins and Cul-de-sac Islands. Prior



to the City signing the final plat of the Subject Property, Developer shall present to the City documentation showing the creation of a homeowner association(s) that will be responsible for the ongoing maintenance of all common open spaces, ponding basins and cul-de-sac islands in the Subject Property. Developer may elect to have more than one homeowners association created to maintain these areas. Developer must record the proper documentation with the Dakota County Recorder's Office so as to inform all future property owners of any lot in the Subject Property that the City will not be responsible to maintain any common open space, ponding basins or cul-de-sac islands in the Subject Property. This Development Agreement shall also serve as notice to all future owners that the City will not be responsible to maintain any common open spaces, ponding basins or cul-de-sac islands in the Subject Property.

5. Cul-De-Sac Landscaping Plans. Prior to the City signing the final plat for the Subject Property, Developer shall submit to the City, for the City's approval, landscaping plans for the cul-de-sac islands in the Subject Property.
6. Boulevard Landscaping Plans. Prior to the City signing the final plat, Developer must submit and receive approval for a boulevard landscaping plan for the Subject Property. Developer further acknowledges that no residential lot may be occupied until all trees required by the boulevard landscaping plan have been planted. Developer may satisfy this requirement if it provides the City with an escrow to ensure the planting of any remaining boulevard trees. The amount of the escrow will be determined by the City.
7. Lot 1, Block 8. The future site development of the "shore land area" (300 feet from the Ordinary High Water Level, "OHWL") within Lot 1, Block 8 shall be restricted to open space and storm water ponding use. No other use within this area shall be allowed.

8. Required Site Plan Approvals. Site Plan approvals from the City are required for any structure which will contain three or more residential units. No building permits will be issued by the City until the Hastings City Council approves the site plan for such structure.
9. Park Dedication Fees. Before the final plat is released by the City, Developer shall pay to City park dedication fees of \$53,465.00. This represents \$289.00 per unit for 185 units.
10. Interceptor Sewer Fees. Before the final plat is released by the City, Developer shall pay to City sewer interceptor fees of \$58,275.00. This represents \$315.00 per unit for 185 units.
11. 31<sup>st</sup> Street Right-of-Way. Developer acknowledges that 31<sup>st</sup> Street serves as an important access to County Road 47. Because of this importance, Developer acknowledges and agrees that the City may initiate the extension of 31<sup>st</sup> Street to Century Drive prior to the development of Outlots B or C. Once the City constructs the extension of 31<sup>st</sup> Street, Developer agrees to have Outlots B and C assessed for the project costs of this extension. Because of the importance of 31<sup>st</sup> Street to the Subject Property, Developer agrees there will be no development of Outlots B and C until the 31<sup>st</sup> Street connection to Century Drive has been completed.
12. 36<sup>th</sup> Street Right-of-Way. The public right-of-way for 36<sup>th</sup> Street shall be dedicated across the entire portion of the Subject Property. Developer acknowledges that 36<sup>th</sup> Street is to serve as an important traffic conduit to County Road 47. Therefore, Developer agrees to construct the 36<sup>th</sup> Street, Riverwood Drive and Village Trail street and utility improvements as part of the Riverwood 7<sup>th</sup> Addition public improvements. Developer acknowledges that no building permit will be issued for the southern one-half of the Subject Property until all utilities have been inspected

and approved by the City; and the curb and gutter and bituminous base course of all public streets have been constructed. No occupancy permits will be issued for the south half of the Subject Property until the remaining street improvements have been completed, including, but not limited to, the required three foot wide sod area behind the curb. Developer acknowledges that the City will not maintain or plow any streets until the final bituminous wear course has been installed and accepted by the City.

13. 31<sup>st</sup> Street and 36<sup>th</sup> Street Culvert Crossings. Developer acknowledges that in the future the City will construct a culvert crossing where 31<sup>st</sup> Street and 36<sup>th</sup> Street each cross the north/south drainage swale in the Subject Property. The exact date of construction is unknown at this time but when these crossings are constructed, Developer agrees to have Outlots A, B and C assessed for 50% of the project costs for the 31<sup>st</sup> Street culverts and assessed for 50% of the project costs for the 36<sup>th</sup> Street culverts. Additionally, in the future, the City will construct a culvert crossing across the east/west drainage way between blocks 7 and 8 and Outlots B and C. When this culvert crossing is constructed, Developer agrees to pay for 100% of the project costs for this culvert crossing. These project costs will be assessed against Outlots B and C.

14. Streets.

- A. Grading. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the Public Works Division. All street grading and gravel base construction will be in accordance with specifications on file in the Public Works Division. Grading will be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

- B. Surfacing. Following Public Works Division approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the public Works Division, approved by the Council, and on file at the City.
- C. Boulevard Sod. The developer shall install a 3 foot strip of sod directly behind the curb as part of the street construction process. This boulevard sod strip shall be planted prior to the development being approved for building permits. If weather or sod supply does not allow the sod to be installed before building permits are requested, then the developer shall provide the City a letter of credit for the sod installation and shall install the sod as soon as feasible. Boulevard areas that are also within Conservation Areas shall be planted in accordance with the landscaping plan for Century South.
15. Site Grading. The entire Subject Property, i.e. all platted lots and all outlots, shall be graded at the same time. The north/south drainage way shall be graded first and all required erosion measures for the north/south drainage ways shall be implemented immediately after the grading of the drainage way so as to prevent any erosion. Developer shall further construct the 36<sup>th</sup> Street right-of-way to sub grade elevations east to the west easement line of the north/south drainage way. Developer shall also construct the 31<sup>st</sup> Street right-of-way to sub grade elevations on both sides of the north/south drainage ways. All site grading on the Subject Property shall be completed according to the grading plan approved by the City. All disturbed areas on the Subject Property must be stabilized with a rooting vegetative cover to eliminate any erosion problems. All disturbed areas on the Subject Property shall also be maintained so as to comply with all City of Hastings property maintenance

ordinances.

As-Built Grading Plan - Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded elevations at all lot corners, critical elevations in drainage ways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.

16. Specifications - Inspections.

A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. The required improvement plan review fee as established by City Council resolution shall be paid at this time.

B. Inspection of Public Improvements - Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a City designated inspector for compliance with City standards, and the approved improvement plans and specifications. The inspection escrow account shall be drawn from the balance of Riverwood 7<sup>th</sup> Addition. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees

to cover City overhead and administration costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

- C. As-Built Improvement Plan - Upon completion of the required public improvements, the City inspector shall prepare a record as-built drawing of the constructed improvements.

17. Letter of Credit and Inspection Escrows.

- A. Before Developer begins any grading on the Subject Property, Developer shall post with the City a letter of credit or escrow in the amount of 125% of the grading cost.
- B. Before the Developer begins any street and utility construction, Developer shall post with the City a letter of credit or cash escrow in the amount of 125% of the street and utility improvement costs. Additionally, before any grading or street and utility construction commences, developer shall also post the cash escrow in an amount determined by the City's Public Works Director to reimburse the City for inspection fees that incur for the grading, street and utility construction inspections. Before Developer begins any grading or any street or utility construction, Developer shall provide City with proof of liability and insurance in an amount of at least one million dollars. City shall also be named as an additional insured on all liability insurance policies used to satisfy the requirements of this paragraph.
- C. All letters of credit required by this Agreement shall be in a form acceptable

to the City and issued by a company licensed to do business in Minnesota.

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

E. Privately Constructed Improvements - In the event the Developer elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements outside of the normal assessment procedure, Developer may do so providing he complies with the following requirements:

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

18. Driveways. All driveways constructed in the Subject Property shall be no wider than 24 feet. Common driveways serving more than one residence shall not be allowed. All driveways serving multiple unit buildings must have a minimum separation between driveways of three feet. This three foot separation area must also be landscaped. All driveways facing 36<sup>th</sup> Street, Village Trail and Riverwood Drive, must be constructed with turn-arounds so that vehicles do not have to back out onto

this streets.

19. Types of Curb and Gutter. All curb and gutter constructed on 36<sup>th</sup> Street, Village Trail and Riverwood Drive shall be B618 concrete curb and gutter. Surmountable curb shall be permitted only abutting multiple dwelling units on South Pointe Drive and Vista Trail. Surmountable curb must meet all City specifications in effect at the time they are constructed.
20. Sidewalk and Trail Easements. At the time the City signs the final plat, Developer shall convey to the City, at no cost, the permanent five foot sidewalk easement along the \_\_\_\_\_ side of 31<sup>st</sup> Street and 36<sup>th</sup> Street. Developer shall also convey to the City, at not cost, a ten foot trail easement on the \_\_\_\_\_ side of 31<sup>st</sup> Street and 36<sup>th</sup> Street. At the same time, Developer shall convey to the City a permanent five foot sidewalk easement along the \_\_\_\_\_ side of Riverwood Drive and Village Trail.
21. Sidewalks and Driveways.
  - A. Grading of boulevards in all new developments shall be accomplished so as to accommodate construction of sidewalks and trails thereon regardless of whether said boulevard is part of the Sidewalk Plan on file at City Hall. Any sidewalk located in the plat shall be deeded to the City. Any sidewalks constructed in any subdivision shall be in accordance with specifications established by the Public Works Division. Sidewalks shall be a minimum of five feet in width, and located one foot off the property line in the street right-of-way.
  - B. Each and every driveway shall be constructed in accordance with specifications established by the Public Works Division. If a sidewalk is to be constructed, the concrete driveway shall extend through to the property



line side of the walk. The remainder of the driveway shall be concrete or asphalt from the end of the concrete apron to the garage. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway.

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

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

22. Electronic Copies of Required Documents. Before the City will sign the final plat, Developer shall submit to the City, electronic copies of the plat, plan set record

drawings and grading plan in an electronic format which is acceptable to the Hastings Engineering Department.

23. Utilities. The Developer shall modify the utility plan according to the following items, subject to the approval of the Public Works Director:
  - A. The Developer shall have a separate water meter and water line installed for all irrigation systems.
  - B. The sanitary sewer mains shall be sized and constructed at a depth to accommodate future sanitary flows for future growth outside the City.
24. Property Monuments. Steel monuments shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the developer's expense and responsibility. All U.S., State, Country, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. The developer shall replace all monuments displaced, damaged or removed during grading operations. The monuments shall be installed after the final grading has been completed. The Developer shall provide required certification of installation to the County. A copy of this certification shall also be sent to the City.
25. Requirements for a Building Permit.
  - A. No building permits shall be granted on the platted property until such time as a certified copy of the recorded plat has been filed with the City and production of proof that all conditions of plat approval have been met. In a case where the City of Hastings is a party to the platting, a copy of the plat, certified by the City Clerk as true and correct, shall satisfy the requirements of this section.
  - B. No building permits shall be granted on the platted property until such time

that the subdivider provides the City with a certified survey indicating that the entire site as shown on the preliminary and final plats has been graded pursuant to the approved elevations shown on the preliminary and final plats.

- C. No building permits, except for approved sales models, shall be granted on platted property until the bituminous base course has been constructed, sod behind the curb and gutter installed, and sanitary sewer, water main and storm sewer improvements tested and accepted.

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

- A. The certificate of survey shall reference and be based on an approved grading plan.
- B. The Certificate of Survey shall include at a minimum the following information:
  - 1. Property boundaries.
  - 2. Existing structures.
  - 3. Proposed structures (including driveways).
  - 4. Existing and proposed lot corner elevations.
  - 5. Proposed drainage flow (arrows).
  - 6. Proposed garage floor elevation.
  - 7. Proposed lowest floor elevation.
  - 8. Proposed lowest foundation opening.

9. Proposed top of foundation elevation (front and rear).
  10. Proposed finish grade elevations at building corners.
  11. Street right-of-way (to centerline).
  12. Existing property monuments.
  13. Detailed spot elevations for drainage swales based on the approved grading plan.
  14. Existing and proposed midpoint elevations on side lot lines.
  15. Existing top of curb elevations at the extension of side lot lines and at the midpoint of the lot.
  16. On-site sewage treatment system location and potable well location, if applicable.
- C. Survey benchmarks shall be identified on certificate of survey.
- D. Field hubs shall be placed onsite by a licensed surveyor to show top of foundation elevation and setbacks.
27. Erosion Control Plan Requirements (May be identified on Certificate of Survey).
- A. Silt Fence - A silt fence shall be identified on the erosion control plan. The silt fence shall be located along the front yard (3 feet from curb or behind sidewalk), along existing developed yards, and where needed for erosion control as determined by the City's Engineering Department.
  - B. Rock Driveways - A rock driveway shall be identified on the erosion control plan. The rock driveway shall be constructed of CA1/CA2 Course Aggregate 1-2" rock - 6" deep per MPCA Manual.
28. Natural Resources Management Plan Requirements (all plans can be on same survey)
- A. Tree Plans - Shall identify boulevard/street tree and front yard tree location

and type of tree (based on approved tree plan).

B. Tree Protection - Shall identify protected trees and tree protection systems.

29. Occupancy of Dwelling Units. No permanent occupancy of any dwelling unit in the Subject property shall occur until the City has accepted all utilities and until the base course of pavement has been installed on the streets, etc.
30. Shade Tree Requirement. The builders in the subdivision shall plan "boulevard" trees according to the submitted tree plan and one front yard tree per lot. These trees shall be at least two inches in diameter at the base and the species of the tree should be on the list of approved trees created by the City Forester. An escrow is required for any unplanted trees before a certificate of occupancy is issued for any units without trees are allowed.
31. Successors and Assigns. This agreement shall be binding upon the successors and assigns of the parties hereto and shall run with the land.
32. Recording of Agreement. An original executed copy of this Agreement shall be filed with the Dakota County Recorder's Office, which shall give notice to all subsequent purchasers of the property within the Subject Property of the provisions of this Agreement.
33. Recording of Final Plat. The final plat of the Subject Property, as approved by the City, shall be recorded with the Dakota County Recorder's Office, before any building permit is issued.
34. Other Conditions. Nothing in this Development Agreement shall limit or modify in any way the conditions imposed by the Hastings City Council as part of its approval of the preliminary plat and final plat of the Subject Property, which conditions are on file at Hastings City Hall.

35. Miscellaneous.

- A. It is agreed that any breach of the terms of this Development Agreement shall be grounds for the denial of any building permit, certificate of occupancy or any other required city approvals with respect to the lot or lots to which the breach directly relates. Developer shall be provided with notice of any breach of the terms of this Development Agreement in accordance with the notice provision hereafter and shall be provided a period of 30 days in which to cure the breach. During this 30 day notice, the City shall be allowed to withhold any required permits, certificates of occupancy or any other City approvals, unless the City is given assurances in an amount and a form deemed appropriate in the sole discretion of the City that the breach will be eliminated.
- B. If any portion of this Development Agreement is held in valid for any reason, that decision shall not affect the validity of the remaining portions of this Development Agreement.
- C. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Development Agreement. All amendments or waivers to this Development Agreement must be in writing, signed by all parties and approved by written resolution of the city council.
- D. All parties to the Development Agreement have participated freely in the negotiations and preparation hereof. Accordingly, this Development Agreement shall not be construed more strictly against any one of the parties as a result hereof.
- E. Any notice required by this Development Agreement shall be sent to the parties as follows:

**TO THE CITY:**

City of Hastings  
Attn: City Administrator  
101 E. Fourth Street  
Hastings, MN 55033

**TO THE DEVELOPER:**

Advanced Homes of Hastings, Inc.  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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

By: \_\_\_\_\_  
Michael D. Werner, Mayor

(SEAL)

By: \_\_\_\_\_  
Melanie Mesko Lee, Administrative  
Assistant/City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

***ADVANCED HOMES OF HASTINGS,  
INC., A MINNESOTA CORPORATION***

By: \_\_\_\_\_  
It's: \_\_\_\_\_

By: \_\_\_\_\_  
It's: \_\_\_\_\_

***EDITH M. NOWICKI, A SINGLE  
PERSON***

By: \_\_\_\_\_  
Edith M. Nowicki

By: \_\_\_\_\_  
Edith M. Nowicki, Co-Trustee of  
Trust B under the Last Will and  
Testament of Raymond L. Nowicki,  
dated May 10, 1989.





ACKNOWLEDGMENT

STATE OF MINNESOTA)

)ss.

COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2002, by Midway National Bank of St. Paul, N.A., Co-Trustee of Trust B under the Last Will and Testament of Raymond L. Nowicki, dated may 10, 1989, by \_\_\_\_\_, it's \_\_\_\_\_ and \_\_\_\_\_ it's \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

# Memo

**To:** Mayor Werner and City Council

**From:** John Hinzman, Planning Director

**Date:** October 7, 2002

**Subject:** City of Hastings –Zoning Ordinance Amendment #2002-79 – Amend Section 10.16, Subd. 2 to allow Planned Residential Developments as a permitted use in the R-5, High Density Residential Zoning District.

## REQUEST

The City Council is asked to schedule a public hearing and consider first reading of the attached amendment to Section 10.16, Subd. 2 of the Zoning Ordinance to allow Planned Residential Developments in the R-5, High Density Residential Zoning District.

The School House Square Rezoning to R-5 and Development Plan was approved as a Planned Residential Development, in reviewing the final documents, it was found that Planned Residential Developments are not currently allowed in the district, but are allowed in the R-3, Medium Density Residence, and R-4, High Density Residence Districts.

## RECOMMENDATION

The Planning Commission recommended unanimous approval of the change at the September 23, 2002 meeting with limited discussion. No one spoke for or against the change during the public hearing.

The change is at the request of staff and not the developer of School House Square. Upon approval, the public hearing and 2<sup>nd</sup> reading would be considered at the October 21, 2002 City Council Meeting.

## ATTACHMENTS

- Ordinance Amendment
- Planned Residential Development Language

# DRAFT LANGUAGE

ORDINANCE NO. \_\_\_\_\_, SECOND SERIES

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER 10,  
SECTION 10.16, SUBD. 2 OF THE HASTINGS CITY CODE PERTAINING TO:

PERMITTED USES IN THE R-5, HIGH DENSITY RESIDENTIAL ZONING DISTRICT

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

SEC. 10.16, Subd. 2 of the Hastings City code is amended as follows:

## SUBD. 2 USES PERMITTED

- a. Multiple family dwellings.
- b. Library, public and private schools, and similar uses of a public service nature.
- c. Accessory uses incidental to the foregoing principle uses including, but not limited to, garages, and recreational facilities.
- d. Home Occupations in accordance with Section 10.12, Subd .2
- e. Planned Residential Developments in accordance with Section 10.14, Subd. 2

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

**ADOPTED** by the Hastings City Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

---

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 \_\_\_\_\_, 2001, as disclosed by the records of the City of Hastings on file and of record in the office.

---

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

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

# PRD Language Sect. 10.14

- e. Planned Residential Developments that include all developments having two or more principal uses or structures on a single parcel of land; and may include, but is not limited to, multiple family dwellings, manufactured homes, single family homes, multi-use structures such as apartments with commercial at the ground floor level, mixed residential and commercial developments, and similar projects. Planned residential developments are subject to the requirements of Chapter 10 including, but not limited to, Section 10.27 (Site Plan Review), and Chapter 11 (Subdivision Ordinance) as well as any other requirements of the City: A planned residential development is intended to provide a process which will encourage the following:
1. **Variety:** Within a comprehensive site design concept a mixture of land uses, housing types and densities.
  2. **Sensitivity:** Through the departure from the strict application of minimum lot requirements and other performance standards associated with traditional zoning, planned residential developments can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
  3. **Efficiency:** The consolidation of areas for recreation and reductions in street lengths and widths and other utility related expenses.
  4. **Density Transfer:** The project density may be clustered, basing density on number of units per acre versus specific lot dimensions.

## **SUBD. 3. USES BY SPECIAL PERMIT.**

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

## **SECTION 10.15. R-4 HIGH DENSITY RESIDENCE.**

**SUBD. 1. INTENT.** The intent of this Chapter in establishing a medium density residence district is in recognition of the growing demand for multiple family housing and of the desire to encourage high quality developments less than three stories in height in strategic locations within the City.

**SUBD. 2. USES PERMITTED.** Same as permitted in the R-3.

**SUBD. 3. USES BY SPECIAL PERMIT.** Same as permitted in the R-3 District.

## **SECTION 10.16 R-5 - HIGH DENSITY RESIDENTIAL DISTRICT**

**SUBD. 1. INTENT.** The intent of the R-5 zone is to encourage the development of higher density multiple family dwellings adjacent to the downtown area, to serve as a transitional district from commercial to lower density residential districts, and to provide a variety of housing types to satisfy individual preferences and financial capabilities.

### **SUBD. 2. USES PERMITTED.**

- a. Multiple family dwellings.
- b. Library, public and private schools, and similar uses of a public service nature.
- c. Accessory uses incidental to the foregoing principle uses including, but not limited to, garages, and recreational facilities.

September 30, 2002

**TO:** The Honorable Mayor and Council

**FROM:** John Grossman, HRA Director

**RE:** Certificate of Satisfaction, Lloyd and Susan Lodewegen (Forpak)

**SUMMARY:** After the terms of a land credit agreement (Industrial Park Property) are met by the property or business owner, a certificate of satisfaction is recorded on the title to remove the repayment obligations.

**BACKGROUND:** Lloyd and Susan Lodewegen, owners of Forpak, Inc., in the Industrial Park, received title to one acre last October under the terms of the Land Credit Program. The unpaid value of the land is \$43,559. This is the amount to be matched by the building and payroll credits. They agreed to create two new jobs at \$14.00 an hour to meet the City's business subsidy criteria.

They have met the terms of the agreement:

1. Hire two new employees at \$14.00 an hour. They created three new jobs, at an average wage of \$14.00 an hour, documented by their quarterly unemployment tax report.
2. Increase the annual payroll. They increased the payroll over the past year by \$88,291. This generates a payroll credit of \$17,658.
3. Complete a new building valued at \$220,000. They have their C of O. The County Assessor values the building at \$345,000. This generates a land credit of \$34,500.

The total credits, \$52,158, exceed the unpaid value of the land, \$43,559. They will not owe the City a repayment.

**RECOMMENDATION:** Authorize the Mayor and City Clerk to execute and record the attached Certificate of Satisfaction.

**CITY OF HASTINGS**

**CERTIFICATE OF SATISFACTION**

**This Certificate** is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by the City of Hastings, Minnesota, a home rule charter city under the laws of the State of Minnesota (the "City").

**WITNESSETH:**

**WHEREAS**, pursuant to a Purchase and Development Agreement dated as of October 5, 2001 (the "Development Agreement"), the City has conveyed to Lloyd Edward Lodewegen and Susan R. Lodewegen, a married couple, (the "Developer") certain real property legally described as Lot 2, Block 2, Hastings Industrial Park Number 6, according to the recorded plat thereof, Dakota County, Minnesota (the "Property"); and

**WHEREAS**, the Developer only paid a portion of the actual value of the Property in consideration for the City's conveyance of the Property to the Developer but with the understanding that if the Developer did not meet certain construction and wage and job goals, all or a portion of the value of the Property not paid at the time of the closing on the conveyance to the Developer would be payable by the Developer; and

**WHEREAS**, pursuant to the Agreement the Developer agreed that the Developer's obligation to pay the value of the Property not paid at the closing on the conveyance would be assessed as a lien (the "Assessments") against the Property, subject to discharge if and when the Developer meets its construction and wage and job goals set forth in the Agreement;

**WHEREAS**, the Agreement also provided that upon request by the Developer and upon submission by the Developer to the City of documentation showing that the Developer has met in full or in part its construction and wage and job goals the City would execute a certificate to be recorded against the Property evidencing the Developer's performance and discharging in whole or in part the Assessments as a lien against the Property; and

**WHEREAS**, the Developer has provided to the City documentation sufficient to allow the City to execute and deliver to the Developer this Certificate in accordance with the provisions of the

Agreement.

**NOW, THEREFORE,** the City does hereby certify as follows:

1. The principal amount of the Assessments levied or to be levied against the Property pursuant to the terms of the Agreement is \$43,559.00.
2. As of the date hereof, because of the Developer's performance of its construction covenants and achievement of the wage and job goals set forth in the Agreement, the principal amount of the Assessments has been reduced by the amount of \$43,559.00.
3. The remaining principal balance of the Assessments, subject to farther reduction as provided in the Agreement, is \$0.00.

**IN WITNESS WHEREOF,** the City has caused this Certificate to be executed as of the date first written above.

**CITY OF HASTINGS**

By \_\_\_\_\_  
Michael D. Werner, Mayor

By \_\_\_\_\_  
Melanie Mesko Lee, City Clerk

(seal)

STATE OF MINNESOTA  
COUNTY OF DAKOTA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2002, by Michael D. Werner, and Melanie Mesko Lee, the Mayor and City Clerk of the City of Hastings, a home rule charter city under the laws of the state of Minnesota.

\_\_\_\_\_  
Notary Public

This document was drafted by:  
THE CITY OF HASTINGS  
101 E. 4<sup>TH</sup> Street  
Hastings MN 55033 telephone: (651)437-4127



# MEMO

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**To:** Honorable Mayor and City Council  
**From:** Tom Montgomery  
**Date:** October 2, 2002  
**Re:** Resolution – Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for the 2001 Improvement Program & Lock and Dam Road Improvements

---

The assessment and improvement costs totals required for the resolution are not yet completed. The completed resolution will be handed out before the Council meeting on October 7<sup>th</sup>. The assessment rolls and assessment notices will be completed before the October 21<sup>st</sup> Council meeting. At that meeting, the Council will be asked to schedule the assessment hearing for November 18<sup>th</sup>.



**CITY OF HASTINGS**  
**2002 STREET AND UTILITY IMPROVEMENTS PAYMENT REQUEST**

Application for Payment Number:  
 Period Ending:  
 Contractor:

2  
 10/3/2002  
 Otto Excavating  
 2621 Industrial Court  
 Hastings, MN 55033

Contractor	Date
Engineer	Date
Owner	Date

*Not Signed*      10 / 3 / 02

Total Completed to Date:  
 Less Retainage:  
 Less Previous Payment:  
 Total Amount Due:

\$62,931.00  
 \$4,000.00  
 \$10,931.00  
 \$48,000.00

PAYMENT SUMMARY:

Pay Est. #	Period	Retainage	Payment
1	7/15-7/26	\$0.00	\$10,931.00
2	7/26-9/27	\$4,000.00	\$48,000.00

TOTALS TO DATE:

\$58,931.00

# MEMO

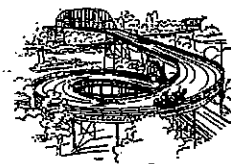
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**To:** Honorable Mayor and City Council  
**From:** Tom Montgomery  
**Date:** October 1, 2002  
**Re:** Request for Temporary Compensatory Leave Cap Adjustment

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Council is requested to approve a temporary compensatory leave cap adjustment for City Engineer Dave Gurney. Dave has been on site managing the General Sieben Dr. construction from the start of construction, working the same long hours and weekends as the contractor. He has been working in excess of 40 hours of overtime per two week pay period and has exceeded the 120 hour compensatory leave cap. He will not be able to take time off until November, when the construction winds down for this season.

I am requesting that Dave's compensatory leave cap be temporarily raised to a maximum of 240 hours beginning September 23, 2002. The compensatory cap would revert back to the 120 hour limit by March 2, 2003. Any unused compensatory time remaining above the 120 hour limit after March 2, 2003 would be lost.



# MEMO

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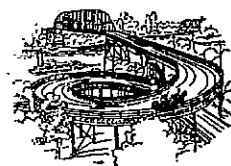
**To:** Honorable Mayor and City Council  
**From:** Tom Montgomery  
**Date:** October 1, 2002  
**Re:** MnDOT Speed Limit Determination – Featherstone Road and 15<sup>th</sup> St.

---

Council is requested to support the proposed speed limit revisions on Featherstone Road and 15<sup>th</sup> Street. Nininger Township requested lower speed limits on both of these roads. By default, the speed limit on township roads is 55 mph unless MnDOT has established a lower speed limit. MnDOT is proposing a 45 mph speed limit on 15<sup>th</sup> St. in Nininger Township west of the west City limits and the end of the paved road.

Featherstone Road is a border road dividing Nininger Township and the City of Hastings. MnDOT is proposing establishing a 40 mph speed limit west of the western most parking lot entrance to the high school, approximately at the top of the hill leading down to the pond and athletic fields.

Enclosed is a copy of the letter from MnDOT requesting City support for these speed limit changes.



CITY OF HASTINGS



**Minnesota Department of Transportation**

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**Metropolitan Division**  
Waters Edge  
1500 West County Road B2  
Roseville, MN 55113

September 24, 2002

Thomas M. Montgomery, P.E.  
Public Works Director  
City of Hastings  
101 4<sup>th</sup> Street East  
Hastings, MN 55033-1955

Re: **Speed Limits**  
**140<sup>th</sup> Street (Featherstone Road)**  
**150<sup>th</sup> Street**

Dear Mr. Montgomery:

Nininger Township has requested speed zoning studies for the following township roads:

- 140<sup>th</sup> Street - between the intersection with Jacob Avenue and the west city limits of Hastings
- 150<sup>th</sup> Street - between the city limits of Rosemount and the city limits of Hastings

Neither road currently has a posted speed limit.

We have completed engineering and traffic investigations for both roads; and based on the investigation results, we have recommended authorization of a 40 mph speed limit for 140<sup>th</sup> Street and a 45 mph speed limit for 150<sup>th</sup> Street.

The proposed 45 mph speed limit for 150<sup>th</sup> Street will extend to the west city limits of Hastings, which we assume to be at approximately the west end of the paved road. If this assumption is correct, the only change that could affect Hastings would be a slight relocation of the first SPEED LIMIT 30 sign for eastbound traffic entering the city.

The 140<sup>th</sup> Street investigation found the Hastings city limits would be an ineffective location for a speed limit change. We therefore hereby ask for the city's approval to extend the proposed 40 mph speed limit eastward, to a point approximately 1000 feet west of General Sieben Drive (a point approximately 200 feet west of the west entrance to Hastings High School).

Thomas Montgomery  
September 24, 2002  
Page 2

The proposed speed limit change location will be more consistent with changes in the road environment, and will therefore result in more reasonable and effective traffic control.

Please let me know as soon as possible whether Hastings concurs with the proposed speed limits.

Sincerely,

A handwritten signature in cursive script that reads "Ed Brown".

Edwin B. Brown  
Speed Zoning Supervisor

cc: Robert Rotty, Nininger Township

# MEMO

**To:** Honorable Mayor and City council members  
**From:** Lori A. Webster, Finance Director  
**Subject:** Resolutions and Recommendations for \$4,635,000 GO Improvement Bonds, Series 2002 C, and \$ 420,000 Equipment Certificates, Series 2002 D.  
**Date:** October 1, 2002

Attached (included in your packet) you will find the Recommendations for the issuance of \$4,635,000 GO Improvement Bonds, Series 2002C and \$420,000 Equipment Certificates, Series 2002D , as prepared by Springsted, Inc.

Attached for Council approval is a Resolution providing for the Sale of these bonds, as prepared by the City's bond counsel, Mary Dryseth of Briggs and Morgan.

If you should have any questions, please feel free to contact me.

**Recommended Council Action**

Approve the attached Resolution providing for the sale of \$4,635,000 GO Improvement Bonds, Series 2002C and \$420,000 Equipment Certificates, Series 2002D.

EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE CITY OF  
HASTINGS, MINNESOTA

HELD: October 7, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Hastings, Dakota County, Minnesota, was duly held at the City Hall, 101 East 4<sup>th</sup> Street in said City on the 7<sup>th</sup> day of October, 2002, at 7:00 o'clock P.M. for the purpose in part of authorizing the competitive negotiated sale of \$420,000 General Obligation Equipment Certificates of Indebtedness, Series 2002D of said City.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE  
COMPETITIVE NEGOTIATED SALE OF \$420,000 GENERAL  
OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2002D

A. WHEREAS, the City Council of the City of Hastings, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$420,000 General Obligation Equipment Certificates of Indebtedness, Series 2002D (the "Certificates") to finance the cost of acquiring items of capital equipment; and

B. WHEREAS, the City has retained Springsted Incorporated, in Saint Paul, Minnesota ("Springsted"), as its independent financial advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Springsted to solicit bids for the competitive negotiated sale of the Certificates.
2. Meeting; Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as Exhibit A for the purpose of considering sealed bids for, and awarding the sale of, the Certificates. The Deputy Clerk or her designee, shall open bids at the time and place specified in such Terms of Proposal.



3. Terms of Proposal. The terms and conditions of the Certificates and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as Exhibit A and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the Deputy Clerk, Finance Director and other officers or employees of the City are hereby authorized to cooperate with Springsted and participate in the preparation of an official statement for the Certificates, and to execute and deliver it on behalf of the City upon its completion.

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

and the following against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA  
COUNTY OF DAKOTA  
CITY OF HASTINGS

I, the undersigned, being the duly qualified and acting Deputy Clerk of the City of Hastings, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to the City's \$420,000 General Obligation Equipment Certificates of Indebtedness, Series 2002D.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Deputy Clerk

**EXHIBIT A**

**TERMS OF PROPOSAL**

**\$420,000**

**CITY OF HASTINGS, MINNESOTA**

**GENERAL OBLIGATION EQUIPMENT CERTIFICATES  
OF INDEBTEDNESS, SERIES 2002D**

**(BOOK ENTRY ONLY)**

Proposals for the Certificates will be received on Monday, November 4, 2002, until 12:00 Noon, Central Time, at the offices of Springsted Incorporated, 85 East Seventh Place, Suite 100, Saint Paul, Minnesota, after which time they will be opened and tabulated. Consideration for award of the Certificates will be by the City Council at 7:00 P.M., Central Time, of the same day.

**SUBMISSION OF PROPOSALS**

Proposals may be submitted in a sealed envelope or by fax (651) 223-3046 to Springsted. Signed Proposals, without final price or coupons, may be submitted to Springsted prior to the time of sale. The bidder shall be responsible for submitting to Springsted the final Proposal price and coupons, by telephone (651) 223-3000 or fax (651) 223-3046 for inclusion in the submitted Proposal. Springsted will assume no liability for the inability of the bidder to reach Springsted prior to the time of sale specified above. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Certificates regardless of the manner of the Proposal submitted.

**DETAILS OF THE CERTIFICATES**

The Certificates will be dated December 1, 2002, as the date of original issue, and will bear interest payable on February 1 and August 1 of each year, commencing August 1, 2003. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Certificates will mature February 1 in the years and amounts as follows:

2004	\$100,000	2005	\$105,000	2006	\$105,000	2007	\$110,000
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**BOOK ENTRY SYSTEM**

The Certificates will be issued by means of a book entry system with no physical distribution of Certificates made to the public. The Certificates will be issued in fully registered form and one Certificate, representing the aggregate principal amount of the Certificates maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Certificates. Individual purchases of the Certificates may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC

and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Certificates. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The purchaser, as a condition of delivery of the Certificates, will be required to deposit the Certificates with DTC.

#### REGISTRAR

The City will name the registrar which shall be subject to applicable SEC regulations. The City will pay for the services of the registrar.

#### OPTIONAL REDEMPTION

The Certificates will not be subject to payment in advance of their respective stated maturity dates.

#### SECURITY AND PURPOSE

The Certificates will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. The proceeds will be used to finance various equipment for City purposes.

#### TYPE OF PROPOSALS

Proposals shall be for not less than \$416,850 and accrued interest on the total principal amount of the Certificates. Proposals shall be accompanied by a Good Faith Deposit ("Deposit") in the form of a certified or cashier's check or a Financial Surety Bond in the amount of \$4,200, payable to the order of the City. If a check is used, it must accompany the proposal. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota, and preapproved by the City. Such bond must be submitted to Springsted Incorporated prior to the opening of the proposals. The Financial Surety Bond must identify each underwriter whose Deposit is guaranteed by such Financial Surety Bond. If the Certificates are awarded to an underwriter using a Financial Surety Bond, then that purchaser is required to submit its Deposit to Springsted Incorporated in the form of a certified or cashier's check or wire transfer as instructed by Springsted Incorporated not later than 3:30 P.M., Central Time, on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement. The Deposit received from the purchaser, the amount of which will be deducted at settlement and no interest will accrue to the purchaser, will be deposited by the City. In the event the purchaser fails to comply with the accepted proposal, said amount will be retained by the City. No proposal can be withdrawn or amended after the time set for receiving proposals unless the meeting of the City scheduled for award of the Certificates is adjourned, recessed, or continued to another date without award of the Certificates having been made. Rates shall be in integral multiples of 5/100 or 1/8 of 1%. Rates must be in level or ascending order. Certificates of the same maturity shall bear a single rate from the date of the Certificates to the date of maturity. No conditional proposals will be accepted.

## AWARD

The Certificates will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Certificates, (ii) reject all proposals without cause, and, (iii) reject any proposal which the City determines to have failed to comply with the terms herein.

## CUSIP NUMBERS

If the Certificates qualify for assignment of CUSIP numbers such numbers will be printed on the Certificates, but neither the failure to print such numbers on any Certificate nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the Certificates. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

## SETTLEMENT

Within 40 days following the date of their award, the Certificates will be delivered without cost to the purchaser through DTC in New York, New York. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Briggs and Morgan, Professional Association, of Saint Paul and Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Certificates shall be made in federal, or equivalent, funds which shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Certificates has been made impossible by action of the City, or its agents, the purchaser shall be liable to the City for any loss suffered by the City by reason of the purchaser's non-compliance with said terms for payment.

## CONTINUING DISCLOSURE

On the date of actual issuance and delivery of the Certificates, the City will execute and deliver a Continuing Disclosure Undertaking (the "Undertaking") whereunder the City will covenant for the benefit of the owners of the Certificates to provide certain financial and other information about the City and notices of certain occurrences to information repositories as specified in and required by SEC Rule 15c2-12(b)(5).

## OFFICIAL STATEMENT

The City has authorized the preparation of an Official Statement containing pertinent information relative to the Certificates, and said Official Statement will serve as a nearly final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For

copies of the Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Financial Advisor to the City, Springsted Incorporated, 85 East Seventh Place, Suite 100, Saint Paul, Minnesota 55101, telephone (651) 223-3000.

The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Certificates, together with any other information required by law, shall constitute a "Final Official Statement" of the City with respect to the Certificates, as that term is defined in Rule 15c2-12. By awarding the Certificates to any underwriter or underwriting syndicate submitting a proposal therefor, the City agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Certificates are awarded 25 copies of the Official Statement and the addendum or addenda described above. The City designates the senior managing underwriter of the syndicate to which the Certificates are awarded as its agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter. Any underwriter delivering a proposal with respect to the Certificates agrees thereby that if its proposal is accepted by the City (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all Participating Underwriters of the Certificates for purposes of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

Dated October 7, 2002

BY ORDER OF THE CITY COUNCIL

/s/ Melanie Mesko Lee  
City Clerk

EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE CITY OF  
HASTINGS, MINNESOTA

HELD: October 7, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Hastings, Dakota County, Minnesota, was duly held at the City Hall, 101 East 4<sup>th</sup> Street in said City on the 7<sup>th</sup> day of October, 2002, at 7:00 o'clock P.M. for the purpose in part of authorizing the competitive negotiated sale of \$4,635,000 General Obligation Improvement Bonds, Series 2002C of said City.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE  
COMPETITIVE NEGOTIATED SALE OF \$4,635,000 GENERAL  
OBLIGATION IMPROVEMENT BONDS, SERIES 2002C

A. WHEREAS, the City Council of the City of Hastings, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$4,635,000 General Obligation Improvement Bonds, Series 2002C (the "Bonds") to finance various improvements; and

B. WHEREAS, the City has retained Springsted Incorporated, in Saint Paul, Minnesota ("Springsted"), as its independent financial advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Springsted to solicit bids for the competitive negotiated sale of the Bonds.
2. Meeting; Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as Exhibit A for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The Deputy Clerk or her designee, shall open bids at the time and place specified in such Terms of Proposal.

3. Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as Exhibit A and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the Deputy Clerk, Finance Director and other officers or employees of the City are hereby authorized to cooperate with Springsted and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

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

and the following against the same:

Whereupon said resolution was declared duly passed and adopted.



STATE OF MINNESOTA  
COUNTY OF DAKOTA  
CITY OF HASTINGS

I, the undersigned, being the duly qualified and acting Deputy Clerk of the City of Hastings, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to the City's \$4,635,000 General Obligation Improvement Bonds, Series 2002C.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Deputy Clerk

**EXHIBIT A**

**TERMS OF PROPOSAL**

**\$4,635,000**

**CITY OF HASTINGS, MINNESOTA**

**GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002C**

**(BOOK ENTRY ONLY)**

Proposals for the Bonds will be received on Monday, November 4, 2002, until 12:00 Noon, Central Time, at the offices of Springsted Incorporated, 85 East Seventh Place, Suite 100, Saint Paul, Minnesota, after which time they will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at 7:00 P.M., Central Time, of the same day.

**SUBMISSION OF PROPOSALS**

Proposals may be submitted in a sealed envelope or by fax (651) 223-3046 to Springsted. Signed Proposals, without final price or coupons, may be submitted to Springsted prior to the time of sale. The bidder shall be responsible for submitting to Springsted the final Proposal price and coupons, by telephone (651) 223-3000 or fax (651) 223-3046 for inclusion in the submitted Proposal. Springsted will assume no liability for the inability of the bidder to reach Springsted prior to the time of sale specified above. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner of the Proposal submitted.

**DETAILS OF THE BONDS**

The Bonds will be dated December 1, 2002, as the date of original issue, and will bear interest payable on February 1 and August 1 of each year, commencing August 1, 2003. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature February 1 in the years and amounts as follows:

2004	\$460,000	2007	\$455,000	2010	\$465,000	2012	\$470,000
2005	\$460,000	2008	\$460,000	2011	\$470,000	2013	\$480,000
2006	\$455,000	2009	\$460,000				

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds, provided that no serial bond may mature on or after the first mandatory sinking fund redemption date of any term bond. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption. In order to designate term bonds, the proposal must specify "Last Year of Serial Maturities" and "Years of Term Maturities" in the spaces provided on the Proposal Form.

## BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The purchaser, as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

## REGISTRAR

The City will name the registrar which shall be subject to applicable SEC regulations. The City will pay for the services of the registrar.

## OPTIONAL REDEMPTION

The City may elect on February 1, 2009, and on any day thereafter, to prepay Bonds due on or after February 1, 2010. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

## SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition the City will pledge special assessments against benefited properties. The proceeds will be used to finance various improvement projects within the City.

## TYPE OF PROPOSALS

Proposals shall be for not less than \$4,584,015 and accrued interest on the total principal amount of the Bonds. Proposals shall be accompanied by a Good Faith Deposit ("Deposit") in the form of a certified or cashier's check or a Financial Surety Bond in the amount of \$46,350, payable to the order of the City. If a check is used, it must accompany the proposal. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota, and preapproved by the City. Such bond must be submitted to Springsted

Incorporated prior to the opening of the proposals. The Financial Surety Bond must identify each underwriter whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to an underwriter using a Financial Surety Bond, then that purchaser is required to submit its Deposit to Springsted Incorporated in the form of a certified or cashier's check or wire transfer as instructed by Springsted Incorporated not later than 3:30 P.M., Central Time, on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement. The Deposit received from the purchaser, the amount of which will be deducted at settlement and no interest will accrue to the purchaser, will be deposited by the City. In the event the purchaser fails to comply with the accepted proposal, said amount will be retained by the City. No proposal can be withdrawn or amended after the time set for receiving proposals unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 5/100 or 1/8 of 1%. Rates must be in level or ascending order. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

#### AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and, (iii) reject any proposal which the City determines to have failed to comply with the terms herein.

#### BOND INSURANCE AT PURCHASER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the underwriter, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser, except that, if the City has requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any other rating agency fees shall be the responsibility of the purchaser.

Failure of the municipal bond insurer to issue the policy after Bonds have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery on the Bonds.

#### CUSIP NUMBERS

If the Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the

Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

#### SETTLEMENT

Within 40 days following the date of their award, the Bonds will be delivered without cost to the purchaser through DTC in New York, New York. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Briggs and Morgan, Professional Association, of Saint Paul and Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds which shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the purchaser shall be liable to the City for any loss suffered by the City by reason of the purchaser's non-compliance with said terms for payment.

#### CONTINUING DISCLOSURE

On the date of actual issuance and delivery of the Bonds, the City will execute and deliver a Continuing Disclosure Undertaking (the "Undertaking") whereunder the City will covenant for the benefit of the owners of the Bonds to provide certain financial and other information about the City and notices of certain occurrences to information repositories as specified in and required by SEC Rule 15c2-12(b)(5).

#### OFFICIAL STATEMENT

The City has authorized the preparation of an Official Statement containing pertinent information relative to the Bonds, and said Official Statement will serve as a nearly final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For copies of the Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Financial Advisor to the City, Springsted Incorporated, 85 East Seventh Place, Suite 100, Saint Paul, Minnesota 55101, telephone (651) 223-3000.

The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Bonds, together with any other information required by law, shall constitute a "Final Official Statement" of the City with respect to the Bonds, as that term is defined in Rule 15c2-12. By awarding the Bonds to any underwriter or underwriting syndicate submitting a proposal therefor, the City agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Bonds are awarded 185 copies of the Official Statement and the addendum or addenda described above. The City designates the senior managing underwriter of the syndicate to which the Bonds are awarded as its agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter. Any underwriter delivering a proposal with respect to the Bonds agrees thereby that if its proposal is accepted by the City (i) it shall accept such designation and (ii) it shall enter into a

contractual relationship with all Participating Underwriters of the Bonds for purposes of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

Dated October 7, 2002

BY ORDER OF THE CITY COUNCIL

/s/ Melanie Mesko Lee  
City Clerk

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**HASTINGS**

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**POLICE DEPARTMENT**

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**MEMO**

**TO:** Mayor Mike Werner  
Hastings City Council Members

**FROM:** Chief McMenemy *MM*

**DATE:** October 2, 2002

**SUBJECT:** Consent Agenda Item 2002 Excess Property Auction

This memo will seek Hastings City Council approval for a resolution for this department to conduct a public auction to sell excess property this department has obtained since the last auction in October 2001.

The excess property includes approximately 70 – 100 bicycles, electronic equipment, coolers, backpacks, CDs, used office equipment, and computers. The proposed date for this auction would be Saturday October 26<sup>th</sup> at 10:00 am. A specific list of auction items will be provided as things organized for this auction.

Thank you.

## MEMO

**TO:** Mayor and Council  
**FROM:** *Marty McNamara*  
Marty McNamara  
**SUBJECT:** Roadside Park Vets Memorial Walkway  
**DATE:** October 2, 2002

The City of Hastings has budgeted money in the 2002 Park's budget for improvements at Roadside Park. One of the proposed improvements was to gain handicap accessibility to the Veteran's Memorial. Park staff worked with a committee consisting of Jim Holmes, Rolo Malm, Gus Heinold, Terry Sieben, Dick Fuchs and Bruce Chamberlain to design the walkway. The proposed walkway will extend a handicap accessible walkway from the Memorial to the Trail along Highway 55.

The City of Hastings solicited quotes for the proposed concrete walkway from three local contractors, only one quote was received. Graus Contracting submitted a bid for \$6,693 and this price does fit within the budget.

**COUNCIL ACTION REQUESTED**

Authorize the City of Hastings to enter into an agreement with Graus contracting to construct a concrete walkway from Veteran's Memorial to the Highway 55 Trail. The City of Hastings will pay the contractor \$6,693 to complete the work.



Hoisington Koegler Group Inc.



September 26, 2002

Marty McNamara, Park & Recreation Director  
Hastings Parks Facility  
920 West 10<sup>th</sup> St.  
Hastings, MN 55033

Re: Recommendation of Contract award – Roadside Park Vets Memorial Walkway project.

Dear Marty:

Quotes were solicited from three concrete contractors for the Roadside Park Veterans Memorial Walkway project. The project will extend a handicapped accessible walkway from the memorial to the trail along Highway 55.

One proposal was received from Graus Contracting, Inc in the amount of \$6,693.00. The quote includes installation of the walkway and turf restoration around the new walk. My estimate for the work was \$6,000. Although it would have been desirable to have more than one quote, we know that the current construction marketplace is very tight. We also know through past experience that Graus Contracting is a quality contractor. Also, the price quoted is a reasonable one. Therefore, I recommend contract award to Graus Contracting for the project.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce L. Chamberlain".

Bruce L. Chamberlain, RLA  
Project Manager

Enc.

*M:\HASTINGS\Roadside\_Park\vets walk\docs\AWARDREC.doc*

MEMORANDUM

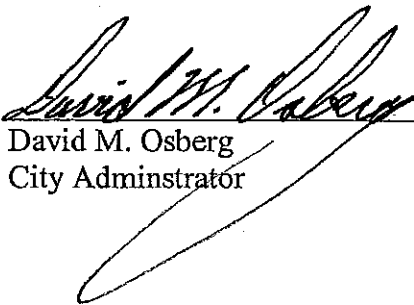
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dave Osberg, City Administrator  
**DATE:** October 3, 2002  
**SUBJECT:** Council Chambers Presentation System

**Recommended City Council Action**

It is recommended that the City Council take action rejecting the bids for the Council Chambers presentation system, and authorize re-bidding to allow for an award at the meeting of the City Council on November 18, 2002.

**Background**

Bids were received on October 1, 2002 for the Council Chambers video and audio presentation system. Two bids were received, both over the projected budget amount. Expectations from the consultant were such that perhaps as many as 12 vendors were to submit bids. However, at the same time the City is soliciting bids for the Council Chambers presentation system, the City is also soliciting bids for the wide area network, with a bid date set for October 10, 2002. Some vendors evidently thought that the bid date for the Council Chambers system was October 10, 2002, not last Tuesday October 1, 2002. Therefore, they did not submit bids. Thus, the recommendation that both bids be rejected, and the process be repeated, to allow for an award at the meeting on November 18, 2002.



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David M. Osberg  
City Administrator

MEMORANDUM

To: Mayor Werner & City Councilmembers  
From: Melanie Mesko Lee, Administrative Assistant/City Clerk  
Date: October 3, 2002  
Re: Approve Amendment to Chapter 5.71—Massage Therapists &  
Massage Therapist Establishments

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Council Action Requested

The proposed amendments have been sent to all current licensees, and no comments have been received. Staff recommends approval of the ordinance amendment.

Background Information:

The Administrative Committee of the Council heard from a resident requesting reevaluation of the massage therapist/massage therapy establishment ordinance to permit the issuance of a license as a home occupation. Based on direction from the Administrative Committee, staff has prepared a draft ordinance to both clean up the language of this ordinance as well as provide for a home occupation provision for massage therapy establishments.

Council approved the first reading and ordered a public hearing for October 7, 2002 to consider an amendment to the City Code Chapter 5.71, amending certain regulations in regards to issuance of massage therapist and massage therapy establishment licenses.

If you have any questions, please feel free to contact me.

Attachments:

- Revised Ordinance

**SECTION 5.71. MASSAGE THERAPIST AND MASSAGE THERAPY ESTABLISHMENT LICENSES.**

Subd. 1. Statement of Purpose. In order to protect the public health, safety and welfare and to protect against the transmission of diseases, the City Council deems it necessary to provide for the regulation and licensing of persons who administer massages and the establishments where massages are administered.

Subd. 2. Location of Therapeutic Massage Establishments

A. Licensed therapeutic massage enterprises may be operated as a home occupation in accordance with the provisions as set forth in Chapter 10 of the Hastings City Code, provided such operation clearly exists as a secondary or accessory use of the premises.

B. Licensed therapeutic massage enterprises may be located where permitted by Chapter 10 of the Hastings City Code.

Subd. 3 Definitions. As used in this section, the following words and terms shall have the following meanings:

A. Massage Therapy or Therapeutic Massage. A scientific health care or health maintenance technique or procedure carried out by a massage therapist, involving the massaging and kneading of human skin, muscles and tissues for the purpose of easing mental and physical tension, the breaking up of fatty tissues and muscle spasms and the improvement of circulation through the body.

B. Massage Therapy Establishment. Any room or rooms where persons may, for a fee or other consideration paid either directly or indirectly, receive a therapeutic massage.

C. Massage Therapist. A person who, for compensation, practices and provides therapeutic massage, and is a person other than a licensed medical doctor, chiropractor, osteopath, podiatrist, nurse, physical therapist, or physical therapist aide working under the direct supervision of a physical therapist, athletic director or trainer or beautician or barber who confines treatment to the scalp, face and neck.

Subd. 4. Massage Therapist License and Massage Therapy Establishment License Application.

A. License Required. It is unlawful for any person to practice therapeutic massage therapy without a license from the City.

- B. License Application. All initial applications shall be made at City Hall to the City Clerk by filing an application form which has been approved by the City Council and which shall contain the following information:
1. A description and the location of the premises where the licensed activity is to be conducted. If the premise is not constructed and furnished at the time the application is submitted, detailed plans of the premises and furnishing shall be attached to the application. No license will be issued for a Massage Therapy Establishment until a final Certificate of Occupancy has been issued by the City of Hastings.
  2. Names and addresses of the applicant, together with the names and addresses of the property owner (if different), the business owner (if different), the lessee (if different), the manager or operator (if different), and, if a corporation, all the names and addresses of the officers of such corporation where the licensed activity will take place.
  3. A description of any crime or other offense, including the time, date, place, and disposition, for which any of the persons named above have been arrested or convicted.
  4. A description of the services offered by the massage therapist or the massage therapy establishment.
  5. Accompanied by a non-returnable investigation fee in an amount established by resolution of the City Council. ~~All initial applications shall also be accompanied by front and side view photographs of the applicant.~~
  6. All necessary release forms to allow for the required background, education, and criminal checks.
  7. Licensed Premises. Any premises proposed to be licensed shall be first inspected by the City's building inspector and fire marshal. These premises must comply with all applicable building codes, fire codes, and health codes of the City of Hastings and State of Minnesota.
  8. Applications shall contain such other information as the Council may require.
- C. Review of Application—Approval or Denial. Such application will be reviewed by the Police Department, Planning Department, and

such other departments as deemed necessary. Background, criminal conviction, and educational checks will be conducted. Such departments will thereafter submit their reports and recommendations to the City Clerk, who will submit all of the reports and recommendations from the other departments, together with his/her report and recommendation, to the City Council. The City Council shall either grant or deny the license after receipt of the reports and recommendations from City Staff.

- D. Notice to Property Owners and Occupants. At least fifteen (15) calendar days before City Council consideration of an application for a massage therapy establishment license, the City shall notify, by mail, all owners and occupants who own property or reside within three hundred and fifty (350) feet of the establishment to be licensed.
- D. Hearing—Considerations. The City Council shall afford the applicant and all interested parties an opportunity to be heard and shall have the discretion to consider in granting, denying, renewing, or transferring the license, any reasonable fact or circumstance relating to the public health, safety, and welfare.
- E. Basis for Denial. The Council may deny an application, or deny an application for transfer or renewal because the public health, safety, or welfare would be adversely affected.
- F. Conditions. The City Council may impose reasonable conditions upon the license to preserve the public peace and to protect and promote good order and security.
- G. A massage therapist applicant must provide proof of the following:
1. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association and has completed 100 hours of training in massage.
  2. Certificate of professional liability insurance in an amount of not less than One Million Dollars.

Subd. 5 License Term and License Fee.

1. All massage therapist licenses and massage therapy establishment licenses issued shall terminate on December 31<sup>st</sup> of each year, regardless of when the license was issued. Any licensee requesting renewal of a license must apply for

a renewal in a timely manner.

2. The annual license fee for a massage therapist license shall be set by resolution of the City Council. The annual fee for the first year of the license shall be prorated from the date it is issued. All license fees must be paid before the license will be issued by the City.

H. Eligibility for License: Conditions.

1. All applicants shall be at least 18 years of age
2. Licenses may be granted only in compliance with the zoning code as determined by the City Council and the laws of the State of Minnesota and the ordinances of the City of Hastings.
3. Licenses shall be granted only to establishments which can meet the safety and sanitary requirements of the City Council and the building code regulations of the City of Hastings and the State of Minnesota.
4. The licensee shall display the license in a prominent place on the licensed premises at all times.
5. Licenses may be issued only to persons free from convictions of crimes which involve moral turpitude or which relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the occupation.

Subd. 6 Restrictions and Regulations. General Provisions for Massage Therapist and Massage Therapy Establishment Licenses.

1. Whenever a therapeutic massage is given, it shall be required by the massage therapist, that the person who is receiving the massage shall have his/her breasts, buttocks, anus and genitals covered with an appropriate nontransparent covering.
2. Any massage therapist performing a massage shall, at all times, have their anus, buttocks, breasts and genitals covered with a nontransparent material.
3. Therapeutic massages can only be given in a licensed

massage therapy establishment, ~~the place of business of the person giving the therapeutic massage~~ or the place of business or residence of the person receiving the therapeutic massage. For the purpose of Chamber of Commerce sponsored events, a special license may be issued by the City of Hastings to massage therapists licensed by the City to operate off their licensed premises for the duration of the event only.

4. All massage therapist and massage therapy establishment licensees shall comply with the provisions of this section now in effect and as it may be amended in the future. Failure to comply with the provisions of this section shall be grounds for revocation of any massage therapist license.
  5. No doors of massage rooms, when occupied by one or more persons, shall be locked. All locks, if any, shall be keyed only from the exterior of the massage rooms.
  6. All premises licensed under this section shall, at all times, be open to inspection by any health officer or police officer, to verify compliance with this section and any other applicable City or state laws. All persons issued a massage therapy establishment license agree, as a condition of being issued a license, to consent to such inspections, without a warrant, by any health officer or police officer.
  7. It is unlawful for any licensee or agent or employee of a licensee, to hinder or prevent a health officer or police officer from making an inspection of the licensed premises.
  8. No person under the age of 18 shall be permitted at any time on the licensed premises as a customer, guest or employee, unless accompanied by his or her parent or guardian.
  9. Exception to License Establishment Requirement. This subdivision shall not apply to a health care facility owned by the state of Minnesota, or any of its agencies or any health care facility licensed by the state of Minnesota.
  10. Responsibility of Licensee. Every licensee, whether actually on the licensed premises or not, shall be responsible for all actions which take place on the licensed premises
- I. ~~No therapeutic massage can be given in any business that has been issued a home occupation permit.~~



Subd. 4. Massage Therapy Establishments.

- J. License Required. It is unlawful for any person to operate a massage therapy establishment without a license from the City. ~~It is unlawful for any person to practice therapeutic massage therapy in any place, except upon licensed premises, in the residence of the person receiving the therapeutic massage or the place of business of the person receiving the therapeutic massage.~~
- K. License Application. ~~All initial applications for licenses to operate a massage therapy establishment shall be accompanied by a nonrefundable investigation fee that shall be set by resolution of the City Council. The application shall be in a form approved by the City Council. The police department shall investigate all persons identified in the application, as individuals who have an interest in the massage therapy establishment. The police department shall report its findings to the City Council. All applications shall, thereafter, be considered by the Council.~~
- L. Restrictions and Regulations.
  - 1. ~~Licenses shall be granted only for the premises specified in the application, which must also be located in the proper zoning district. Licenses cannot be transferred to a different premise.~~

Subd. 7. Grounds for Revocation of License.

- 1. It shall be grounds for revocation of a license granted to any person under this chapter if:
  - A. Such person fails to comply with any of the ordinances of the City or the statutes of the State.
  - B. The owner, manager, lessee, or any of the employees are found to be in control or possession of any alcoholic beverages or narcotic drug or controlled substance, as defined by state statutes, shall be permitted on licensed premises.
  - C. The owner, manager, lessee, or any of the employees fail to comply with any of the ordinances of the City or states of the state pertaining to the possession, transfer, sale, or distribution of any alcoholic beverages.
  - D. The owner, manager, lessee, or any of the employees

is convicted of any ordinance or state statute violation arising within the business establishment to which the license was granted under this chapter.

E. The premises do not comply with the health, safety, and building regulations of the City and state.

F. If the licensed business is located in a residential district, the applicable provisions of the City of Hastings Code relative to home occupations shall be complied with; failure to comply with the applicable regulations shall be grounds for revocation of the license.

2. Violation of any law or regulation relating to the building, safety, health or sanitation, shall be grounds for revocation of any license issued under this subdivision.

~~3. Only massage therapists who are licensed by the City shall practice therapeutic massage in the massage therapy establishment.~~

4. ~~All massage therapy establishment licensees must comply with the provisions of this section now in effect, and as it may be amended from time to time. Failure to comply with the provisions of this section, shall be grounds for termination of any license.~~

~~M. No customers or patrons shall be allowed to enter the licensed premises after 12:01 a.m. and before 6:00 a.m. No customers or patrons shall be allowed to remain upon the licensed premises after 1:00 a.m. and before 6:00 a.m.~~

Subd. 8. Effective Date of Ordinance. This ordinance shall become effective after passage and seven days after publication in the legal newspaper. All persons or entities legally performing therapeutic massages in the City on the effective date of this ordinance, must comply with this ordinance no later than January 1, 1996. All other persons must comply with this ordinance once it becomes effective.

# Memo

**To:** Mayor Werner and City Council

**From:** Kris Jenson, Associate Planner

**Date:** October 2, 2002

**Subject:** Public Hearing – Request to vacate Franklin Street ROW north of 1<sup>st</sup> Street East to the river.

## REQUEST

Alan Gear has requested the vacation of the Franklin Street ROW north of 1<sup>st</sup> Street to the Mississippi River. The 66' wide right-of-way runs approximately 160' between Lots 3-4, Block 102 and Lots 1-2, Block 103, Town of Hastings Blocks 100-199.

## BACKGROUND

### Existing Condition

The street is unimproved.

### Utilities

Due to an existing storm sewer line within the ROW, the Public Works Director has requested that a 66' wide drainage and utility easement be maintained over the site, if vacated.

### Docks and Spud Poles

The applicant has recently erected docks and spud poles in the Mississippi River adjacent to the right-of-way. It is unclear where the northern extent of the right-of-way is, does it extend beyond the shoreline).

### DNR Comment

The DNR has been in contact with the property owner regarding compliance with the original permit. It appears the docks and spud poles were not erected in the area outlined in the permit. DNR requires docks to be constructed directly adjacent to the property. DNR has directed the applicant to move the structure within the "extended lot lines" of the property.

It appears the request has been made to rectify the possible encroachment and address DNR concerns. It does not appear that the vacation will solve the situation. The docks and poles appear to encroach beyond the centerline of the right-of-way, and upon vacation, may encroach onto the neighboring parcel.

### **Public Comment**

The City has received a letter from Henry Litschke of 817 First Street East opposing the request. Mr. Litschke owns the property directly west of Franklin Street. The City has also received a message from the East Hastings Association questioning the vacation.

### **REVIEW CRITERIA**

Chapter 6.09 of the City Code stipulates the procedures and parameters for vacating streets, stating:

*"No public streets shall be vacated except upon the Council's own motion or upon the petition directed to the Council of a majority of the owners of property on the line of such public grounds or streets."*

### **ANALYSIS**

The Council must determine whether a public purpose exists in deciding whether or not to vacate the right-of-way. Historically, it appears the right-of-way has served of limited public use, having been privately maintained. However it appears other landowners may still desire public access. It does not appear the vacation will solve the potential encroachment issues identified by the DNR.




If the right-of-way is vacated, the city would still reserve a drainage and utility easement over the property for maintenance of the existing storm sewer infrastructure.

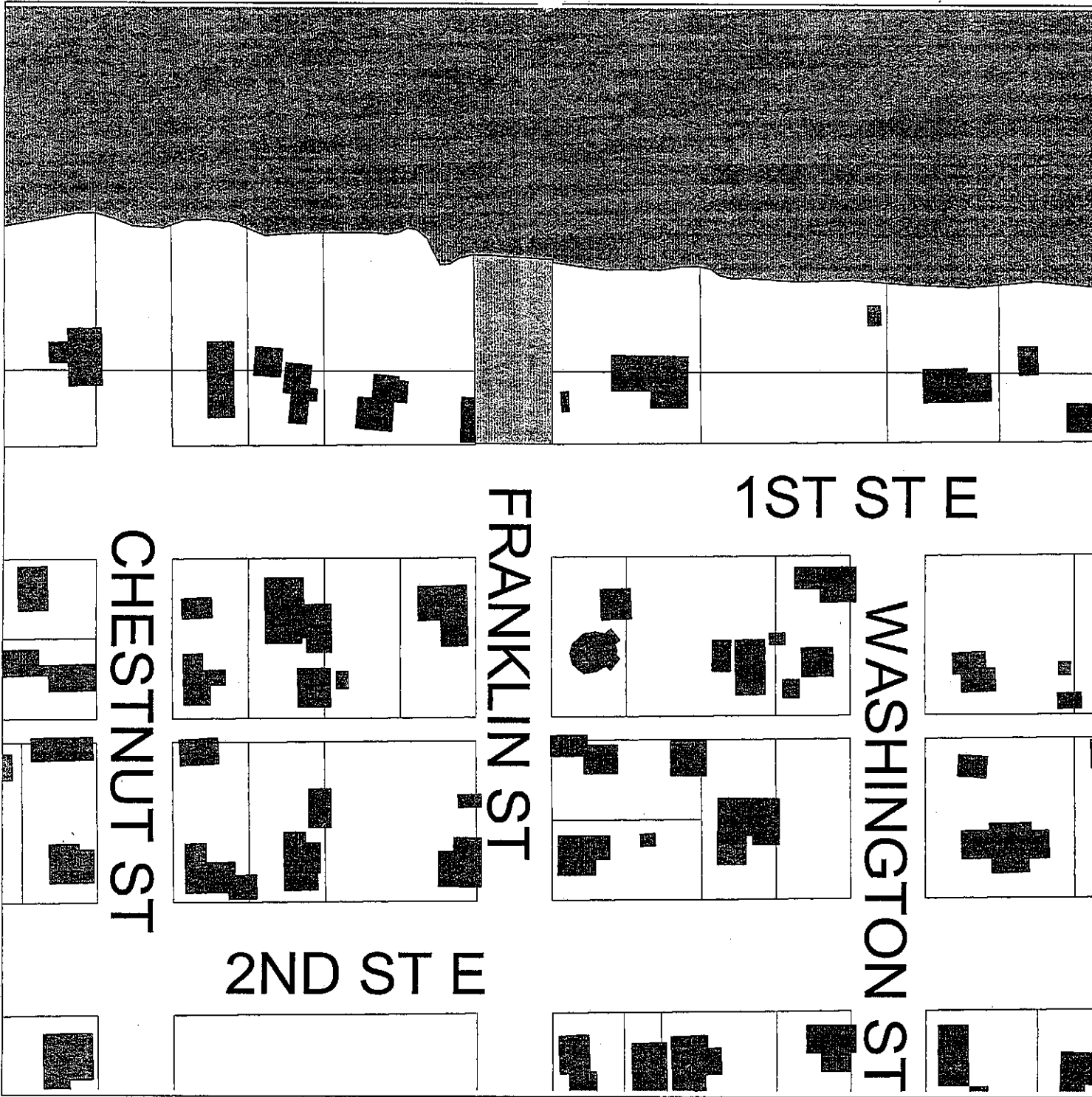
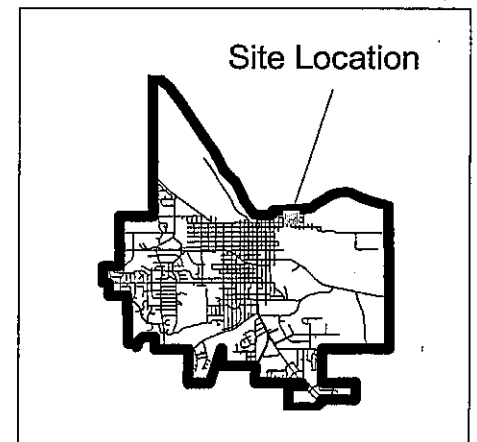
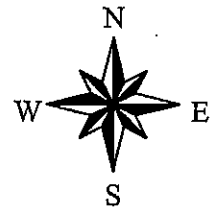
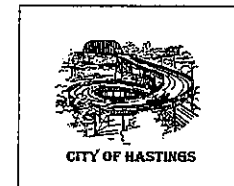
### **ATTACHMENTS**

- Resolution
- Location Map
- Application
- Letter from DNR
- Letter from Henry Litschke – 817 East 1<sup>st</sup> Street

# Request to vacate Franklin St. north of 1st Street E

## Legend

-  Water
-  Buildings
-  Parcels



John Hingman & City Engineer

John I do not want to  
vacate this property.

Henry Litschke

10-1-02



Minnesota Department of Natural Resources  
Metro Waters - 1200 Warner Road, St. Paul, MN 55106-6793  
Telephone: (651) 772-7910 Fax: (651) 772-7977

July 5, 2002

Alan W. Gear  
901 East 1<sup>st</sup> Street  
Hastings, Minnesota 55033

RE: DNR PROTECTED WATERS PERMIT #2002-6051, THREE SPUD POLES, MISSISSIPPI RIVER (POOL 3), DAKOTA COUNTY

Mr. Gear:

In our most recent phone conversation of June 26, 2002, you indicated to me that the cable that was attached to your docks and secured to a tree off of your has been removed from the tree. You also indicated you are pursuing vacation of Franklin Street from the City of Hastings to retain the docks where you placed them (inconsistent with that which was approved under DNR Permit #2002-6051. You further indicated that the state would have to take legal action against you to get you to move them.

I inspected the site July 1 and note you have not moved the docks per my earlier instruction. I have spoken to the city, and have not gotten an indication that they will be considering vacation of Franklin Street.

You are in violation of your DNR permit. You must provide me a written schedule for your bringing the site in to compliance (all docks and spud poles contained within your extended property lines) no later than July 19, 2002. The schedule should state that the work necessary to bring the site in to compliance will be completed by no later than December 31, 2002. Failure to provide me with such a schedule by July 19, 2002 will initiate legal action against you.

If you have any questions, please contact me at 651-772-7917.

Sincerely

Patrick J. Lynch III  
Area Hydrologist

c: City of Hastings, John Hinzman  
US Army Corps of Engineers, Jason Berkner  
DNR Conservation Officer, Joel Heyn

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**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS  
VACATING STREET R-O-W FOR PART OF FRANKLIN STREET**

Council member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

**WHEREAS**, the Hastings City Council has initiated consideration of action to vacate that portion of the street R.O.W legally described as follows:

Vacated Street:

The platted Franklin Street Right Of Way located between Lot 1, Block 4, and Lot 4, Block 3, Town of Hastings Blocks 1- 100 on file and of record in the office of the County Recorder, Dakota County, Minnesota.

**WHEREAS**, on October 7<sup>th</sup>, 2002, a Public Hearing on this proposed street vacation was held before the City Council of the City of Hastings, which hearing was proceeded by published notice as required by state law, city charter and city ordinance; and

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

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

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Minnesota.

**is hereby vacated effective of this date, with the exception of a drainage and utility easement over the former right-of-way.**

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

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

Ayes:

Nays:

Absent:

ATTEST:

\_\_\_\_\_  
Michael D. Werner, Mayor

\_\_\_\_\_  
Melanie Mesko Lee  
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

\_\_\_\_\_  
Melanie Mesko  
Administrative Assistant/City Clerk

(SEAL)

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

# Memo

**To:** Mayor Werner and City Council

**From:** Kris Jenson, Associate Planner

**Date:** October 2, 2002

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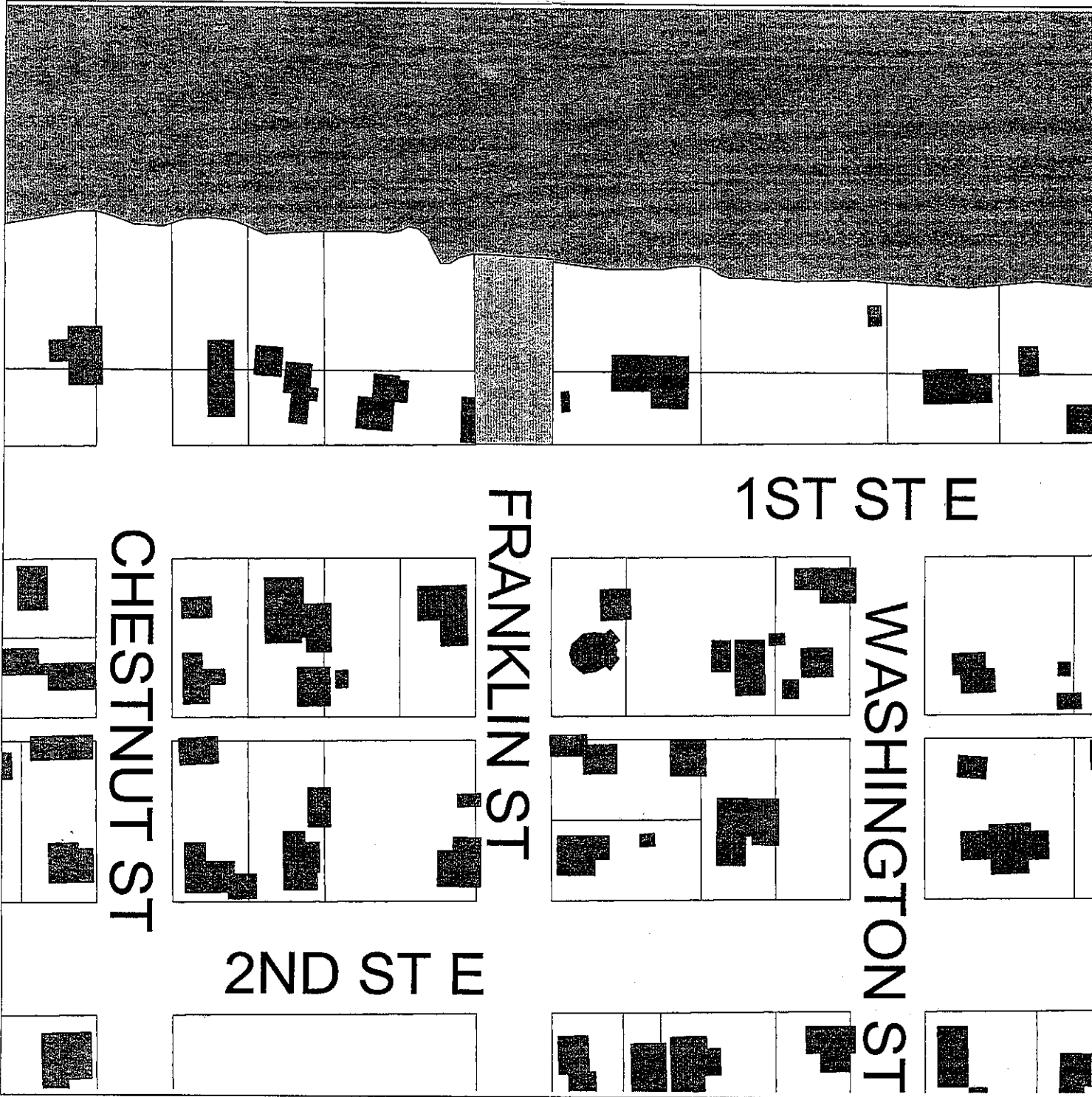
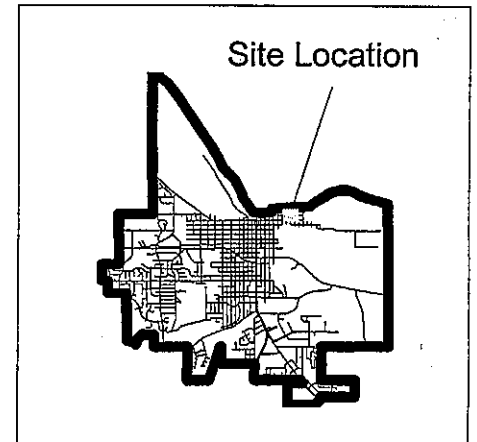
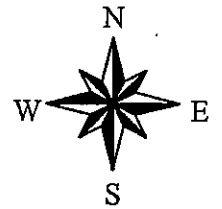
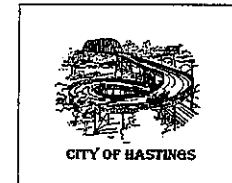
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# Request to vacate Franklin St. north of 1st Street E

## Legend

-  Water
-  Buildings
-  Parcels



John Kingman & City Engineer

John I do not want to  
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Henry Litschke

10-1-02



Minnesota Department of Natural Resources  
Metro Waters - 1200 Warner Road, St. Paul, MN 55106-6793  
Telephone: (651) 772-7910 Fax: (651) 772-7977

July 5, 2002

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RE: DNR PROTECTED WATERS PERMIT #2002-6051, THREE SPUD POLES, MISSISSIPPI RIVER (POOL 3), DAKOTA COUNTY

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If you have any questions, please contact me at 651-772-7917.

Sincerely

A handwritten signature in black ink that reads "Patrick J. Lynch III". The signature is written in a cursive style with a long horizontal flourish at the end.

Patrick J. Lynch III  
Area Hydrologist

c: City of Hastings, John Hinzman  
US Army Corps of Engineers, Jason Berkner  
DNR Conservation Officer, Joel Heyn

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

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

Ayes:

Nays:

Absent:

ATTEST:

\_\_\_\_\_  
Michael D. Werner, Mayor

\_\_\_\_\_  
Melanie Mesko Lee  
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

\_\_\_\_\_  
Melanie Mesko  
Administrative Assistant/City Clerk

(SEAL)

This instrument drafted by:

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



# Memo

**To:** Mayor Werner and City Council

**From:** John Hinzman, Planning Director

**Date:** October 7, 2002

**Subject:** South Pines IV – Final Plat #2002-73, continued to subdivide 80 acres located west of Highway 316 and Tuttle Drive by Lawrence Builders, Inc.

## REQUEST

Lawrence Builders Incorporated seeks Final Plat approval of South Pines IV. The 80-acre property is owned by Paul Lawrence and located west of Highway 316 at Tuttle Drive. The following is proposed:

- 56 Twin Home Lots
- 35 Single Family Lots
- 4 outlots
- 1 park (2+ acres)

Preliminary Plat approval was granted by the City Council on August 15, 2001. The Final Plat encompasses only a portion of the approved preliminary plat of 104 twin homes and 109 single family homes.

## ANNEXATION REQUEST

Lawrence Builders is also seeking approval of an annexation request of +/- 40 acres located directly south of South Pines IV. The proposed annexation would provide a road access to Michael Avenue, and is separate from the Final Plat request (no new lots would be created).

## CITY COUNCIL REVIEW

The item was continued at the September 16, 2002 City Council Meeting, and forwarded to the Planning Committee of the City Council for their review. The Council shared concerns about the relationship between the final plat and annexation request, as well as changes from the original phasing.

## **PLANNING COMMITTEE REVIEW**

The Planning Committee met with staff and the developer on September 27. The developer explained the reasons for the phasing change and relationship to the annexation request. The annexation is needed in order to build the roadway connection from the plat to Michael Avenue. The developer stated that since the road connection to Michael Avenue is required, he would prefer to construct it to city standards with utilities. In order to better utilize the roadway, he proposes to eliminate lots in the vicinity of the park from Phase I in order to submit application (Comprehensive Plan Amendment, Rezoning, Preliminary Plat, and Final Plat) for a portion of the annexation area. The total number of Phase I units would be similar. The original phasing conditions from Preliminary Plat approval (attached) would remain, including the requirement to reimburse the city for a traffic study upon occupation of 80 percent of the lots in Phase I to determine traffic volumes. The traffic study would need to establish a level of service of "C" or better in order to begin Phase II development.

## **RECOMMENDATION**

The Planning Commission reviewed the request at the August 26, 2002 Meeting voting 4 – 2 (Alongi and Truax dissenting) to recommend approval of the Final Plat. Those voting no cited existing traffic problems along Highway 316 and concerns that creation of additional lots would further affect traffic. Commissioners also discussed the potential for a Highway 316 bypass. Please see the attached minutes for further information.

## **ATTACHMENTS**

- Resolution
- Location Map
- Final Plat
- Phasing Requirements from Preliminary Plat Approval
- Planning Commission Minutes ~ August 26, 2002
- Application
- Approved Preliminary Plat Phasing Plan (large plans)
- Proposed Preliminary Plat Phasing Plan (large plans)

## **BACKGROUND INFORMATION**

### **Comprehensive Plan Classification**

The use conforms to the Comprehensive Plan Land Use designation of U-1 – Urban Residential (1-3 units per acre). Density for the entire Preliminary Plat is 2.6 units per acre.

### Zoning Classification

The proposed use conforms to the Zoning Code. The subject property is zoned R-1, Single Family Residence south of Tuttle Drive. Property north of Tuttle Drive is zoned, and R-2, Medium Density Residence.

### Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Single Family Res.	R-2 – Medium Res.	U-II (4-8 units)
East	Highway 316		
	Townhomes	R-2 – Medium Res.	U-I (1-3 units)
	Single Family	R-1 – Low Dens. Res.	U-I (1-3 units)
South	Agriculture\		
	Marshan Township (future annexation)		
West	Agriculture\		
	Marshan Township		

### Existing Condition

The existing site is former agricultural land and is vacant and open.

## FINAL PLAT REVIEW

### Phase Changes

Final Platting of the first phase of South Pines IV Addition has changed slightly from the area identified on the Preliminary Plat. The general location and street extensions are similar, however the number of units has decreased as follows:

	<b>Preliminary Plat – Phase I</b>	<b>Final Plat</b>
<b>Single Family</b>	57	35
<b>Twin Home</b>	52	56
<b>Total Units</b>	109	91

### Outlots

The Final Plat creates only a portion of the lots approved in the preliminary plat. Future phases are indicated as Outlots B-D, and would need to secure Final Plat approval in the future.

### Southern Annexation

The developer is in the process of annexing an additional 44 acres from Marshan Township. The property is adjacent to the southern extent of the plat. The area would

provide a secondary roadway entrance to the site via Michael Avenue to Highway 316. The annexation is not included in the Comprehensive Growth Area Plan and would require a Comprehensive Plan Amendment to allow extension of urban services.

### **Roadway Connections**

The developer is required to provide the following pursuant to the preliminary plat:

- Tuttle Drive shall be fully constructed to city standards from Highway 316 to the westernmost intersection of Sandpiper Circle. The extension has been modified to reflect the absence of platted lots to the western extent of the property as indicated in Phase I of the Preliminary Plat.
- Provide a temporary or permanent road connection from the western extent of Sandpiper Circle to Tuttle Drive
- Provide a temporary or permanent road connection between the southern extent of Martin Lane and Michael Avenue.
- Provide a temporary or permanent road connection between Kinglet Court and the southern extension of Martin Lane.

Construction of temporary roads must be approved by the public works department and shall be constructed with a gravel aggregate base at minimum and be memorialized as a roadway easement.

### **Homeowner Association Documents**

A homeowners association shall be established to ensure maintenance of all common areas including but not limited to landscaped islands.

### **Grading and Utility Plan**

The applicant must finalize the grading and utility plan to the satisfaction of the Public Works Director as a condition of final plat approval.

### **Trail Connections**

Trails along the north and south side of Tuttle Drive were approved as part of the Preliminary Plat. A trail must be established adjacent to Highway 316 between 37<sup>th</sup> Street and Tuttle Drive.

### **Boulevard Tree Plantings**

A Boulevard Tree Plan must be submitted identifying the location, sized, and species of boulevard tree plantings. Builders will be required to plant front yard trees, in addition to boulevard plantings. Trees shall be planted every 50 linear feet along all public roads,

minimum of 2 caliper inches in size, and of a species that is salt tolerant as approved by the City Forester.

**Park Dedication**

The Hastings Natural Resources and Recreation Commission approved the park dedication and trail plans as a part of the Preliminary Plat. Dedication included a 2.62-acre park and \$127,146.48 in park dedication fees.

**Minnesota Department of Transportation Review**

The Minnesota Department of Transportation has reviewed the plat. The applicant shall be required to address any outstanding MnDot Requirements.

**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS  
APPROVING THE FINAL PLAT OF SOUTH PINES 4TH ADDITION A SINGLE  
FAMILY AND TOWNHOME DEVELOPMENT LOCATED WEST OF HIGHWAY 316  
AND TUTTLE DRIVE**

Council member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

**WHEREAS**, Lawrence Builders, Inc. has petitioned for final plat approval to subdivide 80 acres generally located west of TH 316 and Tuttle Drive, legally described on Exhibit A into 56 twin home lots, 35 single family lots, 4 outlots, and 1 park; and

**WHEREAS**, on August 15, 2001 The City Council approved the Preliminary Plat of said property , subject to the conditions of the Staff Memorandum to the City Council; and

**WHEREAS**, on August 26, 2002, the Planning Commission of the City of Hastings reviewed the Final Plat, as required by state law, city charter and city ordinance, and forwards to the City Council a recommendation of approval.

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

That the City Council hereby approves the preliminary plat and final plat of SOUTH PINES 4<sup>TH</sup> ADDITION subject to the following conditions:

1. Tuttle Drive shall be fully constructed to city standards from Highway 316 to the westernmost intersection of Sandpiper Circle.
2. Provide a temporary or permanent road connection from the western extent of Sandpiper Circle to Tuttle Drive
3. Provide a temporary or permanent road connection between the southern extent of Martin Lane and Michael Avenue.
4. Provide a temporary or permanent road connection between Kinglet Court and the southern extension of Martin Lane.

5. Construction of temporary roads must be approved by the public works department and shall be constructed with a gravel/aggregate base at minimum and must be memorialized as a roadway easement.
6. Establishment of a homeowners association to maintain all common open space areas including median island plantings. The homeowners association documents shall be recorded as a part of the Final Plat.
7. Payment of \$127,146.48 in park dedication fees. Fees may be reduced by trail development credit subject to approval by the City Council.
8. Dedication and construction of a trail along Highway 316 between 37<sup>th</sup> Street and Tuttle Drive.
9. Dedication and construction of a trail and sidewalk along Tuttle Drive as identified in the Preliminary Plat.
10. Martin Lane shall be constructed at a minimum width of 36 feet.
11. Final review of the stormwater plan. The developer shall be responsible for any costs incurred by the city as a result of consultant review of the stormwater plan.
12. The Final Plat must be modified to prohibit direct access to Highway 316.
13. Approval by the Minnesota Department of Transportation of the before and after hydraulic computations for both 10 and 100 year storm events showing drainage paths, runoff coefficients, ponding calculations, and locations.
14. Submission of a Boulevard Tree Plan identifying the location, sizes, and species of boulevard tree plantings. Builders will be required to plant front yard trees, in addition to boulevard plantings. Trees shall be planted every 50 linear feet along all public roads, minimum of 2 caliper inches in size, and of a species that is salt tolerant as approved by the City Forester.
15. Dakota County comments pertaining to abandoned irrigation wells and related environmental concerns must be satisfied before issuance of grading permits.
16. Separate water meters and water lines shall be installed for all irrigation systems.
17. Addition of a signature line for the Planning Commission Secretary on the Final Plat mylars.
18. Lot 13, Block 5 as identified on Sheet 3 shall be renamed Lot 1.
19. Submission of a schedule of square foot sizes for all platted lots.
20. Submission of certification of taxes paid in full for the property.

21. All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
22. The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
23. That the final plat is subject to MNDOT approval and that the Developer shall incorporate any MNDOT's comments into the final plat.
24. That the final plat hardshells shall be modified to illustrate MNDOT R.O.W. and restricted access.
25. The developer shall pay sewer interceptor charges of \$28,665 (\$315 x 91 units) paid prior to City release of final plat hardshells.
26. Adherence to the conditions of the Preliminary Plat approval dated August 15, 2001, however development of Phase 3 could commence without the annexation of the property directly west of the development
27. 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.
28. All outlots must be replatted before they can be developed.
29. Land directly south of the final plat indicated as Phase 3 on the preliminary plat phasing plan is not included in 2020 Metropolitan Urban Service Area staging plan, and must receive Comprehensive Plan Amendment approval prior to platting and development.

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

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

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
 Michael D. Werner, Mayor

\_\_\_\_\_  
 Melanie Mesko Lee  
 Administrative Assistant/City Clerk



I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

---

Melanie Mesko Lee  
Administrative Assistant/City Clerk

(SEAL)

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

**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS  
APPROVING THE FINAL PLAT OF SOUTH PINES 4TH ADDITION A SINGLE  
FAMILY AND TOWNHOME DEVELOPMENT LOCATED WEST OF HIGHWAY 316  
AND TUTTLE DRIVE**

Council member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

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29. Land directly south of the final plat indicated as Phase 3 on the preliminary plat phasing plan is not included in 2020 Metropolitan Urban Service Area staging plan, and must receive Comprehensive Plan Amendment approval prior to platting and development.

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

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

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
 Michael D. Werner, Mayor

\_\_\_\_\_  
 Melanie Mesko Lee  
 Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

---

Melanie Mesko Lee  
Administrative Assistant/City Clerk

(SEAL)

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

# Exhibit A

# SOUTH Pines IV SOUTH

## Legal Description

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

That part of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred fourteen (114), Range Seventeen (17), Dakota County, Minnesota, described as beginning at a point which point is the Northwest corner of the said Southeast Quarter (SE1/4); thence South on said West line 240.29 feet; thence South 89 degrees 07 minutes 53 seconds East for a distance of 1213.35 feet, more or less, to the centerline of State Trunk Highway No. 316; thence Northwesterly along said centerline for 319.40 feet, more or less, to the North line of said Southeast Quarter; thence North 89 degrees 51 minutes 53 seconds West along said North line for 1,018.80 feet to the point of beginning.

AND

The Southeast quarter (SE1/4) of Section Three (3), Township One Hundred Fourteen (114), Range Seventeen (17), according to the Government Survey thereof.

EXCEPTING THEREFROM that part described as follows:

Beginning at the Northwest corner of said Southeast quarter (SE1/4); thence South on said West line 240.29 feet; thence South 89 degrees 07 minutes 53 seconds East for a distance of 1213.35 feet, more or less, to the centerline of State Trunk Highway No. 316; thence Northwesterly along said centerline for 319.40 feet, more or less, to the North line of said Southeast quarter (SE1/4); thence North 89 degrees 51 minutes 53 seconds West along said North line for 1018.80 feet to the point of beginning.

EXCEPTING THEREFROM that part platted as South Pines, according to the recorded plat thereof.

AND ALSO EXCEPTING THEREFROM that part described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence South 00 degrees 01 minutes 50 seconds East, (assuming that the west line of said Southeast Quarter has a bearing of North), along the east line of said Southeast Quarter, a distance of 1470.01 feet to the point of beginning of the land to be described; thence continue South 00 degrees 01 minutes 50 seconds East, along the east line of said Southeast Quarter, a distance of 1152.74 feet to the southeast corner of said Southeast Quarter; thence North 89 degrees 51 minutes 34 seconds West, along the south line of said Southeast Quarter, a distance of 2632.49 feet to the southwest corner of said Southeast Quarter; thence on a bearing of North, along the west line of said Southeast Quarter, a distance of 680.00 feet; thence South 89 degrees, 51 minutes 34 seconds East, a distance of 2156.81 feet to the intersection with a line bearing South 45 degrees 12 minutes 42 seconds West from the point of beginning; thence North 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet to the point of beginning.

Have caused the same to be surveyed and platted as SOUTH PINES 4 and do hereby donate and dedicate to the public, for public use forever, the thoroughfares, cul-de-sacs, park, and also dedicate the easements as shown on this plat for drainage and utility purposes only, and dedicate to the state of Minnesota the right of access as shown on the plat.

In witness whereof said Edward B. McMenemy, a single person, has hereunto set his hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Edward B. McMenemy

\_\_\_\_\_  
husband and wife, have

# South Pines IV Site Location Comp Plan

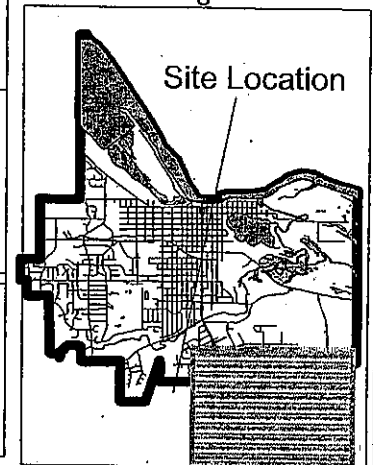
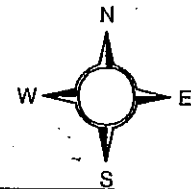


Hastings on the Mississippi

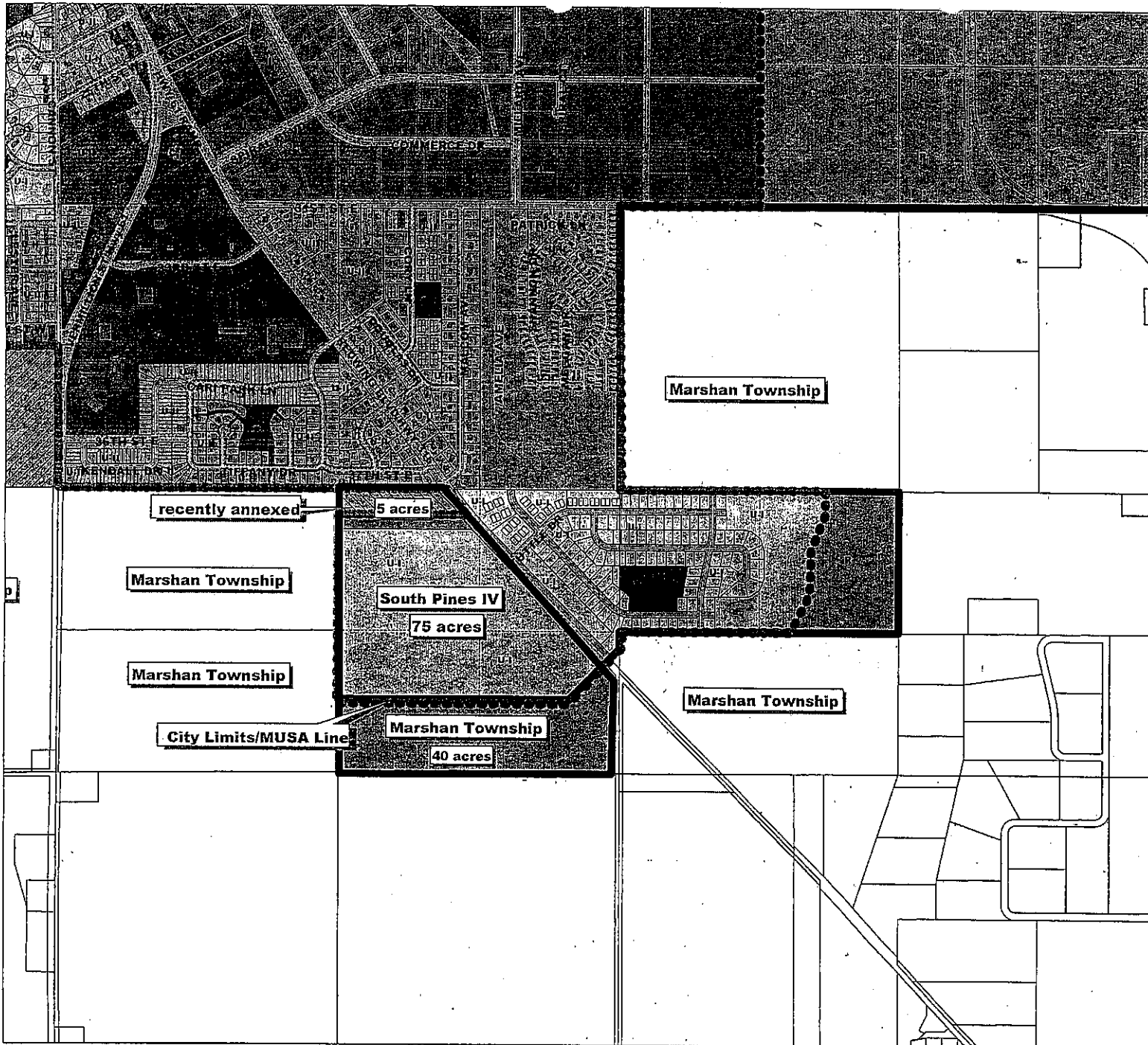
## Legend

2020 comp plan city.shp

- C - Commercial
- I - Industrial
- MKD - Mixed Use
- O - Office
- P - Public
- U-I - Urban Resid 1-3 units/acre
- U-II - Urban Resid 4-8 units/acre
- R - Rural
- U-III - Urban Resid 8+ units/acre
- ROW - Right of Way
- WAT - Water
- Road shp
- Buildings shp



Site Location



This is not a survey

# SOUTH PINES 4

S-2598  
(5 pages)

KNOW ALL MEN BY THESE PRESENTS: That Edward B. McManomy, a single person, Samuel H. Hertage and Shirley J. Hertage, husband and wife, Paul W. Lawrence and Debrae Lawrence, husband and wife, William J. Criel and Mary A. Criel, husband and wife, and McManomy and Hertage, Incorporated, a Minnesota Corporation, owners and proprietors of the following described property situated in the County of Dakota, State of Minnesota, to wit:

That part of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred fourteen (114), Range Seventeen (17), Dakota County, Minnesota, described as beginning at a point which point is the Northeast corner of the said Southeast Quarter (SE1/4); thence South on said West line 242.19 feet; thence South 89 degrees 07 minutes 53 seconds East for a distance of 1213.30 feet, more or less, to the centerline of State Trunk Highway No. 218; thence Northwesterly along said centerline for 339.40 feet, more or less, to the North line of said Southeast Quarter; thence North 89 degrees 51 minutes 53 seconds West along said North line for 1,018.03 feet to the point of beginning.

AND

The Southeast quarter (SE1/4) of Section Three (3), Township One Hundred fourteen (114), Range Seventeen (17), according to the Government Survey thereof.

EXCEPTING THEREFROM that part described as follows:

Beginning at the Northeast corner of said Southeast quarter (SE1/4); thence South on said West line 242.29 feet; thence South 89 degrees 07 minutes 53 seconds East for a distance of 1213.30 feet, more or less, to the centerline of State Trunk Highway No. 218; thence Northwesterly along said centerline for 339.40 feet, more or less, to the North line of said Southeast quarter (SE1/4); thence North 89 degrees 51 minutes 53 seconds West along said North line for 1018.03 feet to the point of beginning.

EXCEPTING THEREFROM that part platted on South Pines, according to the recorded plat thereof.

AND ALSO EXCEPTING THEREFROM that part described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence South 89 degrees 01 minutes 30 seconds East, (assuming that the west line of said Southeast Quarter has a bearing of North), along the east line of said Southeast Quarter, a distance of 1470.01 feet to the point of beginning of the land to be described; thence continue South 89 degrees 01 minutes 30 seconds East, along the east line of said Southeast Quarter, a distance of 1152.74 feet, to the southeast corner of said Southeast Quarter; thence North 89 degrees 51 minutes 34 seconds West, along the south line of said Southeast Quarter, a distance of 2632.49 feet to the southeast corner of said Southeast Quarter; thence on a bearing of North, along the west line of said Southeast Quarter, a distance of 230.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2106.01 feet to the intersection with a line bearing South 43 degrees 12 minutes 42 seconds West from the point of beginning; thence North 43 degrees 12 minutes 42 seconds East, a distance of 688.33 feet to the point of beginning.

Have caused the same to be surveyed and platted on SOUTH PINES 4 and do hereby denote and dedicate to the public for public use forever, the thoroughness, cut-in-excess, part, and easement depicted the monument as shown on this plat for drainage and utility purposes only, and dedicate to the State of Minnesota the right of access as shown on the plat.

In witness whereof said Edward B. McManomy, a single person, has hereunto set his hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Edward B. McManomy

In witness whereof said Samuel H. Hertage and Shirley J. Hertage, husband and wife, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Samuel H. Hertage

Shirley J. Hertage

In witness whereof said Paul W. Lawrence and Debrae Lawrence, husband and wife, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Paul W. Lawrence

Debrae Lawrence

In witness whereof said William J. Criel and Mary A. Criel, husband and wife, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

William J. Criel

Mary A. Criel

In witness whereof said McManomy and Hertage, Incorporated, a Minnesota Corporation, has caused these presents to be signed by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Edward B. McManomy, a single person.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

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

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Paul W. Lawrence and Debrae Lawrence, husband and wife.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

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

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, McManomy and Hertage, Incorporated, a Minnesota Corporation, on behalf of said Corporation.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

I hereby certify that I have surveyed and platted the property described on this plat on SOUTH PINES 4; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as denoting that the middle boundary lines are correctly designated on said plat and there are no well lands, as defined in Minnesota Statutes, Section 565.02, Subd. 1, or public highways to be designed on said plat, other than as shown.

Alan K. Scottfeld, Land Surveyor  
Minnesota License Number 15473

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

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires January 31, 2005

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
Chairperson

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

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Clerk

Pursuant to Chapter 363D.04, Minnesota Statutes, this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
Fred M. Johnson, Dakota County Surveyor

I hereby certify that all taxes for the year \_\_\_\_\_ on the land described on this plat as SOUTH PINES 4, have been paid and no delinquent taxes are due and transfer entered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
County Treasurer-Auditor, Dakota County, Minnesota

Document Number \_\_\_\_\_ Certificate Number \_\_\_\_\_

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

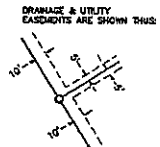
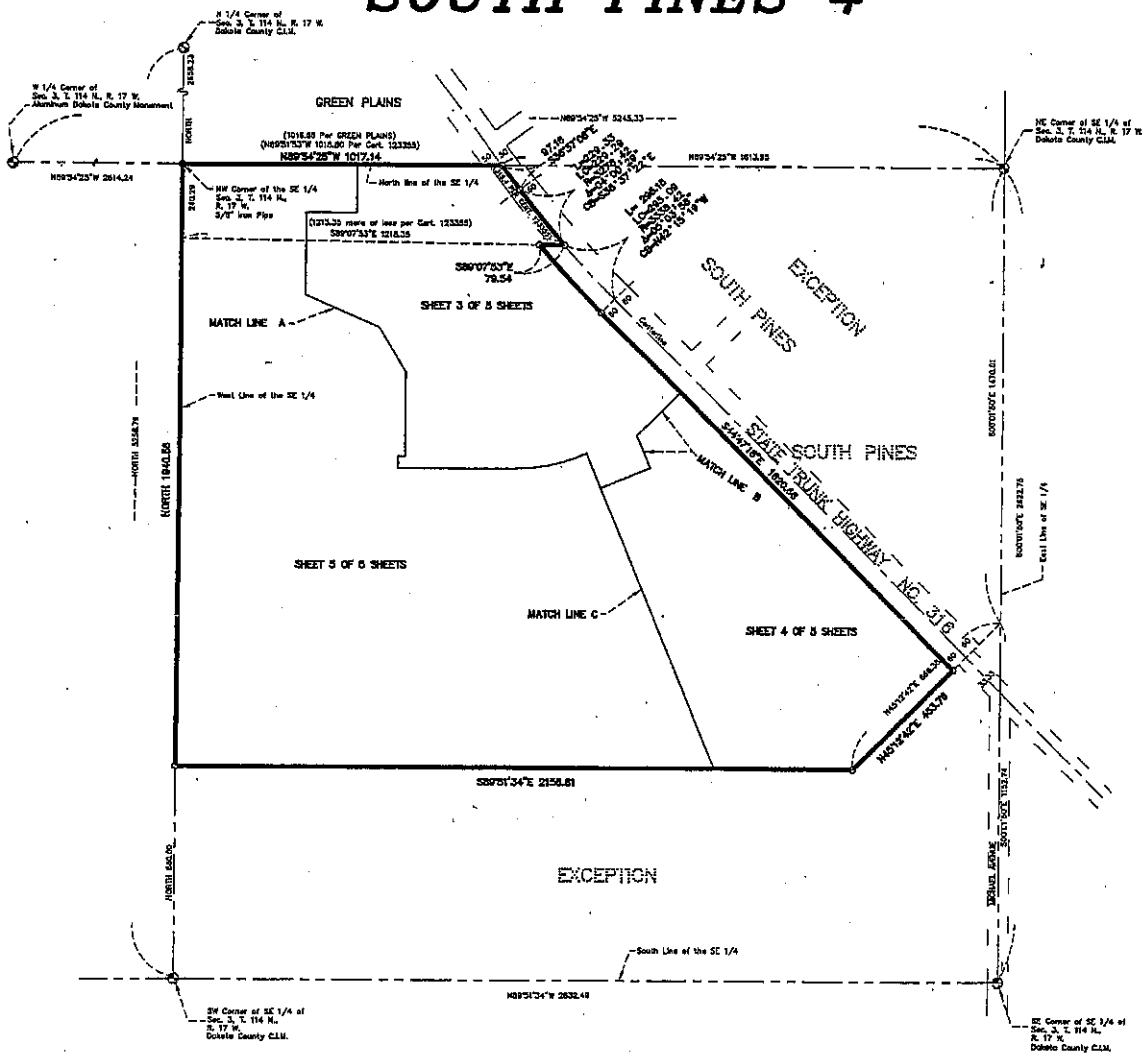
By \_\_\_\_\_  
Registrar of Titles, Dakota County, Minnesota

SHEET 1 OF 5 SHEETS





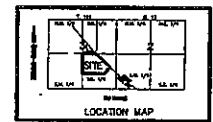
# SOUTH PINES 4



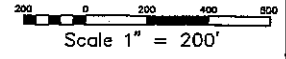
Being 5 feet in width, unless otherwise indicated and adjoining lot lines, and 10 feet in width, unless otherwise indicated, and adjoining street lines as shown on the plat.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES MONUMENTS TO BE SET ACCORDING TO MINNESOTA STATUTES, AND SHALL BE IN PLACE ON OR BEFORE THE 15TH DAY OF AUGUST, 2005.

- DENOTES A PLACED 1" BY 1 1/2" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 12471.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- DENOTES RIGHT OF ACCESS DEDICATED TO THE STATE OF MINNESOTA.

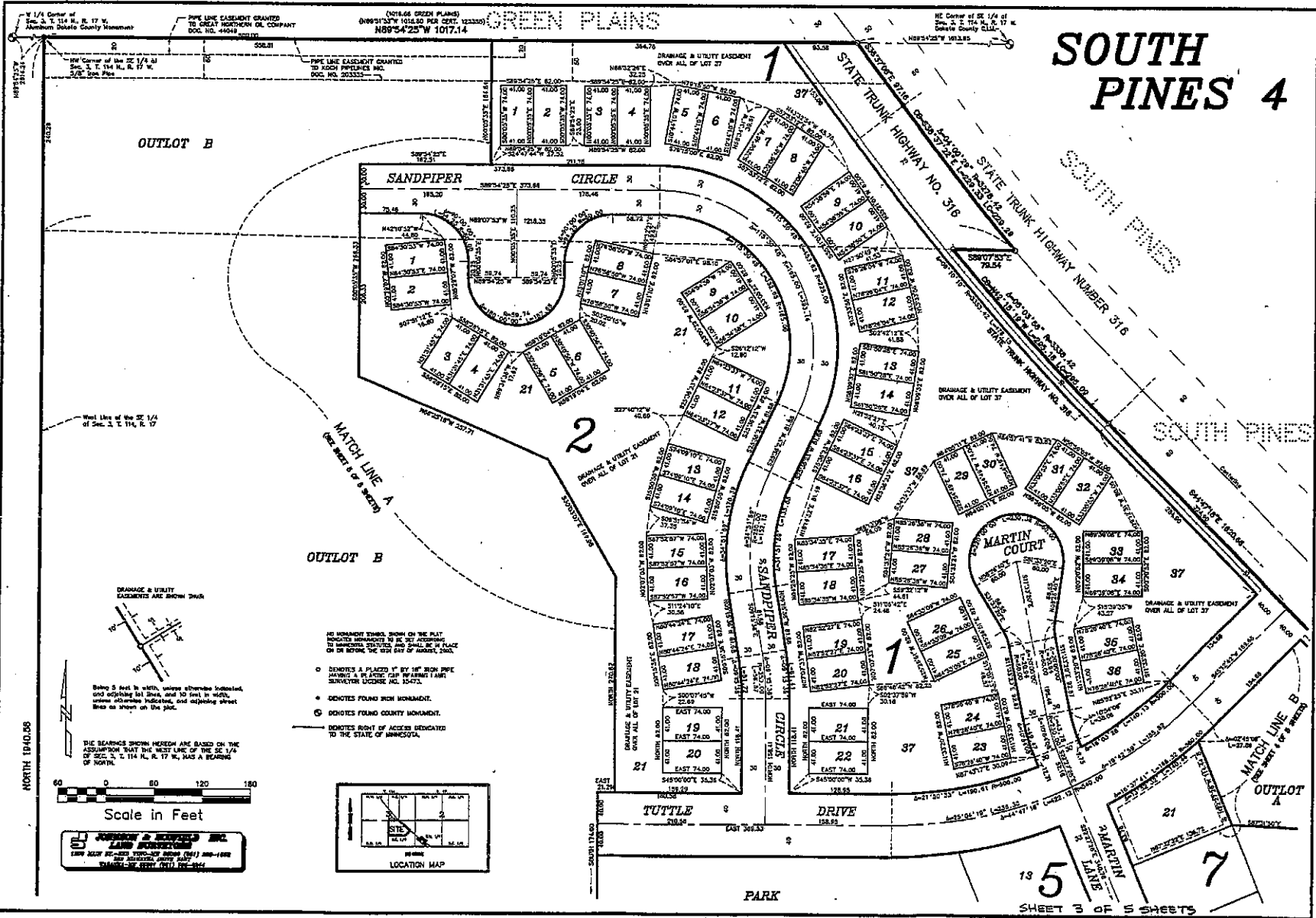


THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE SE 1/4 OF SEC. 3, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



Scale 1" = 200'

**PROFESSIONAL LAND SURVEYOR**  
 LICENSE NO. 12471  
 STATE OF MINNESOTA  
 AUGUST 15, 2005



# SOUTH PINES 4

## GREEN PLAINS

W 1/4 Corner of Sec. 2, T. 114 N., R. 17 W., Ansonia Dakota County Monument  
 PIPE LINE EASEMENT GRANTED TO GREAT NORTHERN OIL COMPANY DOC. NO. 44044  
 (2014.05 GREEN PLAINS) 0489°31'37" 1010.00 PER CENT. 123330 N89°54'25" W 1017.14

NE Corner of SE 1/4 of Sec. 2, T. 114 N., R. 17 W., Dakota County CLM  
 N89°54'25" W 1018.85

OUTLOT B

MATCH LINE A  
 (SEE SHEET 2 OF 5 SHEETS)

OUTLOT B

SOUTH PINES

SOUTH PINES

SOUTH PINES

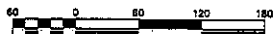
DRAINAGE & UTILITY EASEMENT OVER ALL OF LOT 27



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

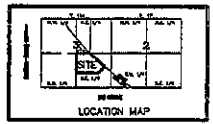
- NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES MONUMENTS TO BE SET ACCORDING TO STANDARD PRACTICE SHALL BE IN PLACE ON OR BEFORE THE 31ST DAY OF AUGUST, 2004.
- DENOTES A PLACED 1" BY 1/2" IRON PIPE MONUMENT & IN PLACE FOR BEARING TAPE SURVEY LOCATIONS ONLY.
- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- DENOTES RIGHT OF ACCESS DEDICATED TO THE STATE OF MINNESOTA.

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE SE 1/4 OF SEC. 2, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



Scale in Feet

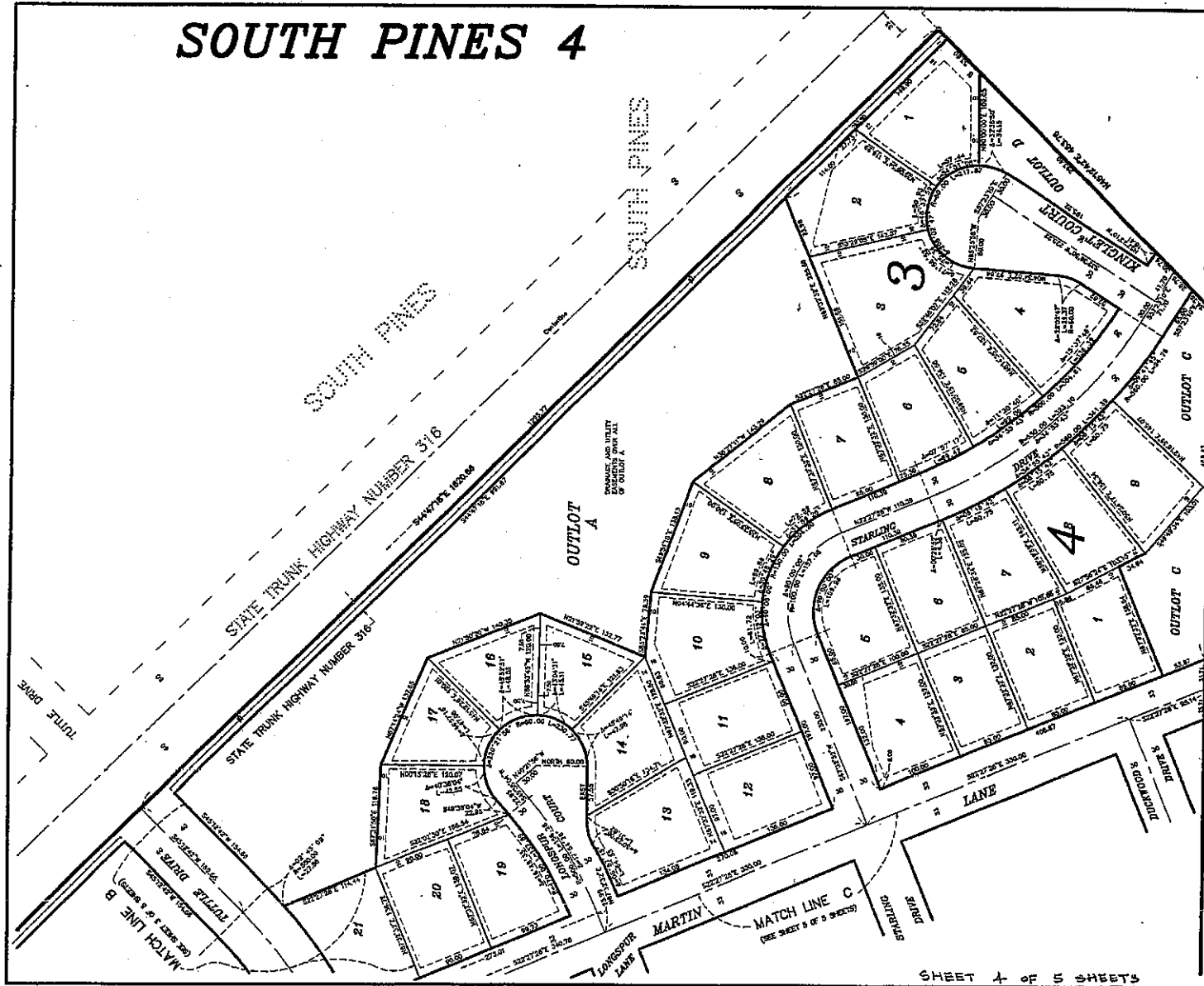
**ROBERTSON & COMPANY INC.**  
**LAND SURVEYORS**  
 1200 WEST WISCONSIN AVENUE, SUITE 100, MINNEAPOLIS, MN 55402  
 TEL: 612-338-1111 FAX: 612-338-1112  
 WWW.RCSURV.COM



PARK

SHEET 3 OF 5 SHEETS

# SOUTH PINES 4



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

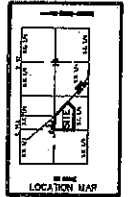
NO MONUMENT STAKES SHOWN ON THE PLAT BEING ASSUMED TO BE IN THE CORNERS OR ON OTHER THE 1/4 SECTION 303.

● DENOTES A PLACED 1" BY 1/2" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 12472.

○ DENOTES FOUND IRON MONUMENT.

○ DENOTES FOUND COUNTY MONUMENT.

— DENOTES RIGHT OF ACCESS PEGGED TO THE STATE OF MINNESOTA.



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



Scale in Feet

**J. W. BROWN & COMPANY, INC.**  
**LAND SURVEYORS**  
 1000 WEST 10TH STREET, SUITE 100, MINNEAPOLIS, MINN. 55426  
 PHONE 822-1111, TELETYPE 822-1111, FACSIMILE 822-1111



# Prelim Plat Phasing

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

**Project Phasing** - The project will be completed in three major phases as described below and outlined on the enclosed phasing plan. The reason for the phasing is to address the traffic issues associated with this project

Phase 1 - The first phase of development will include 109 lots (52 twin homes, 57 single family homes): Tuttle Dr must be fully constructed to the western property line as part of this phase. The road connection to Michael Ave must also be completed, with the developer granting the City a road easement over the road. Two temporary or permanent roads must also be installed to complete the circle drive in the townhome area and to connect the in the cu-de-sac southeastern part of the property with Michael Ave.

Phase 2 - The second phase of development would include 104 lots. This is the remainder of the lots within the City. The timing of phase 2 of the development would be based on the results of a new traffic study completed after 80 % of phase 1 was completed. Phase 2 would only be allowed to move forward if the anticipated level of service at the HWY 316 intersection is at a level of "C" or better. This phase would also be allowed to move forward if finalized plans are in place to extend Tuttle Dr to the west within 2 years.

Phase 3 - Phase 3 of the development includes the 40 acres currently outside the City Limits. The City would only annex this property if the property directly west of this development is annexed and plans are finalized to extend Tuttle Dr to HWY 61.

**Planning Consideration:** This preliminary plat is well designed with a good internal road network and trail system. The traffic issues along HWY 316 exist and be addressed as part of the phasing plan. The City and the developer are currently working on the extension of Tuttle Dr to the west. The City has also initiated a traffic study of the HWY 316 bypass, which is currently underway.

# Planning Comm. Minutes<sub>3</sub>

- 2) Submittal of a landscape plan to delineate tree preservation and relocation areas.

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

## 6. Lawrence Construction – Final Plat #2002-73 – South Pines IV.

Director Hinzman presented background information on the item.

Commissioner Twedt inquired as to when the temporary roads would be constructed, as to possible timing on the Tuttle Drive extension to Highway 61.

Director Hinzman stated that all temporary roads must be constructed prior to issuance of permits. The Tuttle Drive extension west of the plat is not planned for anytime in the near future.

Commissioner Alongi expressed concerns with traffic flows and Highway 316.

Commissioner Michno clarified that MnDOT has the opportunity to review this item.

Director Hinzman stated that MnDOT will review the plat and provide comment.

Commissioner Twedt also clarified that the addition of a traffic signal at Tuttle Drive and Highway 316 must adhere to MnDOT's criteria.

The Commission also discussed the potential future Highway 316 bypass, which would run south of the South Pines IV subdivision. The initial needs analysis was done by SEH.

### Planning Commission Action:

**Commissioner Twedt moved and Commissioner Michno seconded the motion to recommend approval of the South Pines IV Final Plat to the City Council, subject to the following conditions:**

- 1) Tuttle Drive shall be fully constructed to city standards from Highway 316 to the westernmost intersection of Sandpiper Circle.
- 2) Provide a temporary or permanent road connection from the western extent of Sandpiper Circle to Tuttle Drive
- 3) Provide a temporary or permanent road connection between the southern extent of Martin Lane and Michael Avenue.
- 4) Provide a temporary or permanent road connection between Kinglet Court and the southern extension of Martin Lane.
- 5) Construction of temporary roads must be approved by the public works department and shall be constructed with a gravel/aggregate base at minimum and must be memorialized as a roadway easement.

- 6) Establishment of a homeowners association to maintain all common open space areas including median island plantings. The homeowners association documents shall be recorded as a part of the Final Plat.
- 7) Payment of \$127,146.48 in park dedication fees. Fees may be reduced by trail development credit subject to approval by the City Council.
- 8) Dedication and construction of a trail along Highway 316 between 37<sup>th</sup> Street and Tuttle Drive.
- 9) Dedication and construction of a trail and sidewalk along Tuttle Drive as identified in the Preliminary Plat.
- 10) Martin Lane shall be constructed at a minimum width of 36 feet.
- 11) Final review of the stormwater plan. The developer shall be responsible for any costs incurred by the city as a result of consultant review of the stormwater plan.
- 12) The Final Plat must be modified to prohibit direct access to Highway 316.
- 13) Approval by the Minnesota Department of Transportation of the before and after hydraulic computations for both 10 and 100 year storm events showing drainage paths, runoff coefficients, ponding calculations, and locations.
- 14) Submission of a Boulevard Tree Plan identifying the location, sizes, and species of boulevard tree plantings. Builders will be required to plant front yard trees, in addition to boulevard plantings. Trees shall be planted every 50 linear feet along all public roads, minimum of 2 caliper inches in size, and of a species that is salt tolerant as approved by the City Forester.
- 15) Dakota County comments pertaining to abandoned irrigation wells and related environmental concerns must be satisfied before issuance of grading permits.
- 16) Separate water meters and water lines shall be installed for all irrigation systems.
- 17) Addition of a signature line for the Planning Commission Secretary on the Final Plat.
- 18) Lot 13, Block 5 as identified on Sheet 3 shall be renamed Lot 1.
- 19) Submission of a schedule of square foot sizes for all platted lots.
- 20) Submission of certification of taxes paid in full for the property.
- 21) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.
- 22) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 23) That the final plat is subject to MNDOT approval and that the Developer shall incorporate any MNDOT's comments into the final plat.

24) That the final plat hardshells shall be modified to illustrate MNDOT R.O.W. and restricted access.

25) The developer shall pay sewer interceptor charges of \$28,665 (\$315 x 91 units) paid prior to City release of final plat hardshells.

26) Adherence to the condition of Preliminary Plat approval.

27) 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.

28) All outlots must be replatted before they can be developed.

Upon vote taken: Ayes: 4, Nays: 2, Alongi and Truax dissenting. Motion carried.

**7. Lyman Development – Final Plat #2002-72 – Century South 3<sup>rd</sup> Addition Final Plat.**

Commissioner Truax expressed concern that another cul-de-sac was being created, and that the comp plan stated that no more cul-de-sacs should be created, and that the developer was creating a private road to get around this requirement.

(Staff note: No cul-de-sac is being created. This plat is the second half of a U-shaped road.)

**Planning Commission Action:**

**Commissioner Michno moved and Commissioner Twedt seconded the motion to recommend approval of the Century South 3<sup>rd</sup> Addition Final Plat to the City Council, subject to the following conditions:**

- 1) That all private drives and related utilities be designed and constructed according to City standards, as determined by the Public Works Director.
- 2) That the developer shall have a separate water meter and water line installed for all irrigation systems.
- 3) The applicant shall be required to pay \$315.00 per lot in interceptor sewer charges, prior to the city releasing the final plat hardshells. The interceptor sewer charge for this project totals \$7,560.00 for 24 units.
- 4) That the landscaping be planted according to the approved landscaping plan on file at City Hall.
- 5) Any Outlots shall be re-platted before they can be developed.
- 6) That the applicant provide evidence that the private street and utilities will be/are maintained by a homeowner's association and not by the City.
- 7) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.



#2002-73

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033

Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: South Pines 4

Legal Description of Property Involved: South Pines 4

**Applicant:**

Name Lawrence Builders Inc.  
Address 1125 South Frontage Rd. Suite 1  
Hastings MN 55033  
Phone 651-437-6601  
Fax 651-437-6732

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

**Owner (If different from Applicant):**

Name South Pines Partnership  
Address 1350 S. Frontage Rd.  
Hastings MN 55033  
Phone 651-437-1818  
Fax 651-437-8562

Request: Final Plat  
Rezone: \_\_\_\_\_  
Comp Plan Amend: \_\_\_\_\_  
Site Plan: \_\_\_\_\_  
Variance: \_\_\_\_\_

Special Use: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Vacation: \_\_\_\_\_  
Other: \_\_\_\_\_  
TOTAL: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature of Applicant Date

[Signature] 8/21/02  
Signature of Owner Date

Don Lawrence - developer  
Applicant Name and Title - Please Print

Paul W. Lawrence  
Owner Name - Please Print

# Memo

**To:** Mayor Werner and City Council

**From:** Kris Jenson, Associate Planner

**Date:** October 2, 2002

**Subject:** 600/620 Westview Drive - Site Plan Review #2002-80 to erect a storage building.

## REQUEST

Schumacher Properties, owner of the Crestview Estates, has requested site plan approval for a storage building to be constructed at 600/620 Westview Drive.

Approval of the site plan is recommended subject to the attached conditions.

## BACKGROUND INFORMATION

### Comprehensive Plan Classification

The subject property is classified U-III Urban Residential (8+ units per acre).

### Zoning Classification

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

### Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Apartments	R-3 – Med High Den.	U-III Urban Res.
East	Apartments	R-3 – Med High Den.	U-III Urban Res.
South	Offices	C-1 – Gen. Commerce	U-III Urban Res.
West	Townhomes (CDA)	R-3 – Med High Den	U-III Urban Res.

### Existing Condition

The existing site has two apartment buildings and two garages.

## **SITE PLAN REVIEW**

### **Proposed Structure**

The building measures 26' x 30', with 8' sidewalls. One single overhead garage door is located on the front, and a pedestrian access door is also located on the front of the building. The building will have white vinyl 4" double lap siding with a black roof. There will not be a driveway to the building, as it will not be used for vehicle storage. The building will be used for riding lawn mowers and other maintenance equipment. A gate in the fence directly north of the building will be the access point to the area.

### **Existing Structures**

There are currently two apartment buildings and two garages on the site. The area behind the garages also includes a playground for children. The playground equipment is centrally located behind the garages (see site location map for approximate location).

### **Zoning Setbacks**

The building is proposed to be located 15 feet from the south and west property lines and meets minimum zoning setbacks. It is located at the southwest corner of the property.

### **Building Permit Review**

The Building Department is in the process of reviewing the building permit. A permit cannot be issued until the site plan is approved.

### **PLANNING COMMISSION ACTION**

The Planning Commission voted unanimously (5-0) to recommend approval of the storage building at 600/620 Westview Drive.

### **RECOMMENDED ACTION**

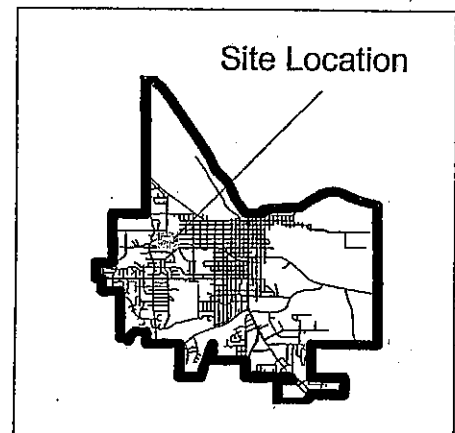
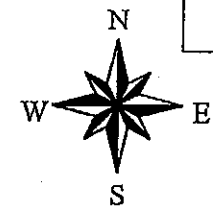
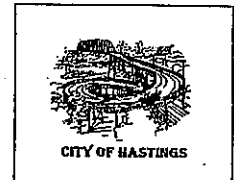
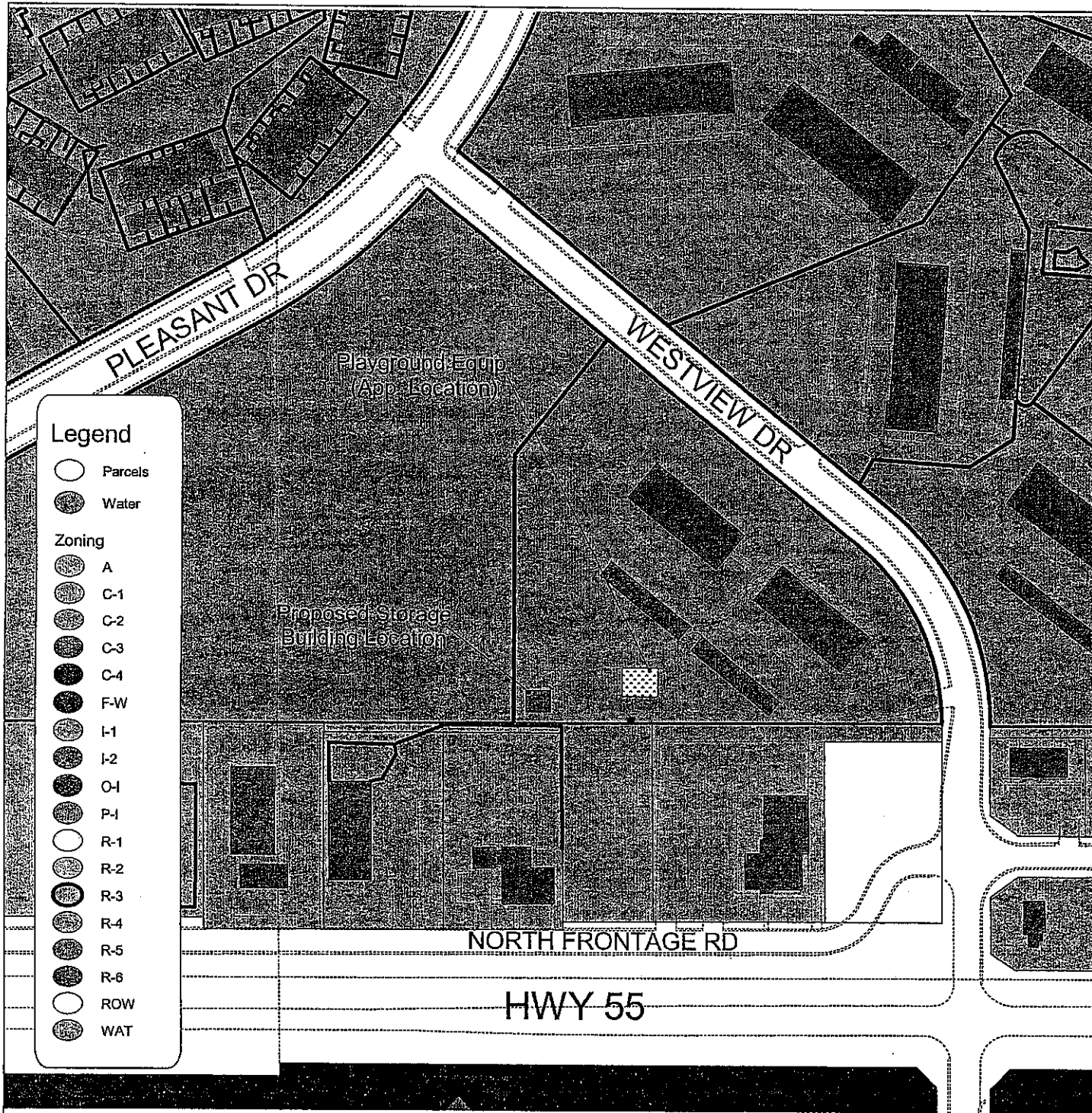
Motion to recommend approval of the building for 600/620 Westview Drive, subject to the following conditions:

1. Approval of a building permit.

### **ATTACHMENTS**

- Location Map
- Site Plan
- Application

# Storage Building - 600/620 Westview Drive



#2002-80

LAND USE APPLICATION

SEP 13 2002  
CITY OF HASTINGS

CITY OF HASTINGS

Address of Property Involved: 600 + 620 Westview Drive

Legal Description of Property Involved:

~~Imperial Estates~~ 1st AD Pt of OUTlot C Lying E +  
SE of Line E - Beg - NW - Cor - of - B

Official Use Only

Applicant:

Name Schumacher Prop <sup>600+</sup> 620 LLC

Address 618 Westview Drive  
Hastings MN 55033

Telephone 651-437-7936

contact person 651-592-2649 (Terry)

Owner (If different from Applicant): 651-437-7936 -

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date Rec'd \_\_\_\_\_

File No. \_\_\_\_\_

Fee Paid \_\_\_\_\_

Rec'd by \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Section: \_\_\_\_\_

Request:

Rezone: \_\_\_\_\_

Special Use: \_\_\_\_\_

Comp. Plan Amend: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Site Plan: \$200.00

Vacation: \_\_\_\_\_

Variance: \_\_\_\_\_

Other: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

Date

[Signature]  
Signature of Owner

09-13-02  
Date

(Property manager)

WEST VIEW DR 600' 600'

WEST VIEW DR 600'



600' 216  
Crestwood Estates

620' 218  
Crestwood Estates

Drive way

Drive way

Garages

Garages

Play Ground

PLAY  
Ground  
Fence

26 x 30  
Storage  
Garage

15'

WEST VIEW DR

Design # 72519

MENARDS®

9/5/2002

Design-It

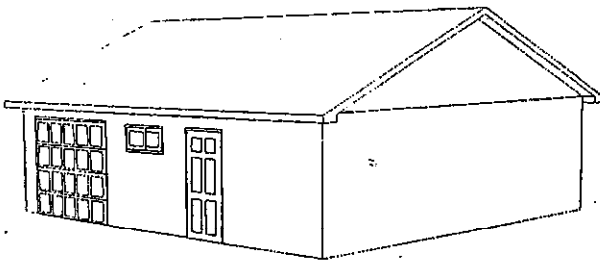
\*\*\* Take this sheet to the Building Materials counter to purchase your materials. \*\*\*

## You selected a garage with these options:

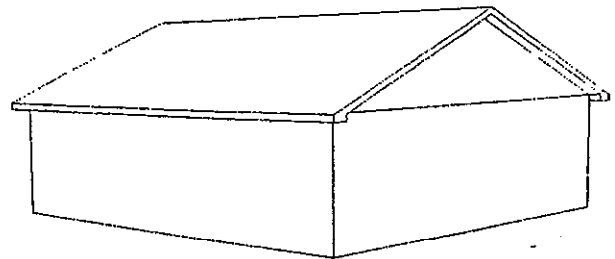
- 26' Wide X 30' Deep X 8' High
- Gable roof w/ 5/12 pitch truss construction
- 12" gable/12" eave overhangs
- 7/16" OSB Wall Sheathing
- 1/2" OSB Roof Sheathing
- White Vinyl 4" Double Lap Siding
- 25 yr. Superglass, Dual Black Shingles
- White Aluminum Soffit & Fascia
- White Aluminum Regular Roof Edge
- White vinyl overhead door jamb

*Float slab*

Front View



Back View



Today's cost for materials estimated in this design: \$ 3319.36

Base garage without options: \$ 2423.32

\*The base price includes: 0" Eave/0" Gable Overhangs, 2X4 Wall Studs, 7/16" OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galvanized Regular Roof Edge, 8" Textured Vertical Hardboard Siding, No Service Doors, No Overhead Doors, No Windows, or Any Other Options.

# Memo

**To:** Mayor Werner and City Council

**From:** John Hinzman, Planning Director

**Date:** October 7, 2002

**Subject:** Steven Lehtola & Linda Heiman – Variance #2002-74 to vary from lot size, for construction of a new home at the southeast corner of 4<sup>th</sup> Street East and Locust

## REQUEST

Steven Lehtola and Linda Heiman seek approval of the following variance in conjunction with construction of a new home at the southeast corner of 4<sup>th</sup> Street East and Locust Street:

- 1) Chapter 16, Section 16.05, Subd. 1.2(B) – Construction of a home on a lot less than 20,000 square feet. The existing lot is 9,456 square feet.

Staff will prepare a resolution upon direction from the City Council.

## RECOMMENDATION

The Planning Commission unanimously voted to deny the variance at the September 9, 2002. During the public hearing several people spoke in opposition to the request citing beliefs that the lot would not be buildable, hauling of fill on site without permits to create building pad, and incompatibility of the house to surrounding homes. Commissioners discussed the status of fill brought onto the property and questioned whether the city should grant a variance to a lot that was created without obtaining proper permits. Commissioners believed the home could be redesigned to eliminate variances. Please see the attached minutes for further information.

## CHANGES SINCE PLANNING COMMISSION

The applicant has modified his plans since the Planning Commission meeting to eliminate 3 of the 4 variances originally requested. The following variance requests have been eliminated:

- 1) Chapter 13, Section 13.05, Subd. 2.1 – Construction of a building within 15 feet of the regulatory flood elevation. Proposed home would be setback 8.5 feet.



- 2) Chapter 16, Section 16.05, Subd. 2.1(A) – Construction of a home within the 75 foot setback from the Ordinary High Water Level. Proposed home is approximately 60 feet from the Ordinary High Water Level.
- 3) Chapter 16, Section 16.05, Subd. 5.2(A) – Impervious surface coverage exceeding 25 percent of lot area. Proposed coverage is approximately 26.8 percent.

## ATTACHMENTS

- Location Map
- Site Survey
- Planning Commission Minutes ~ September 9, 2002
- Application

## BACKGROUND INFORMATION

### Comprehensive Plan Classification

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

### Zoning Classification

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

### Floodway\FIRM Designation

The subject property is within the 100-year flood boundary as identified on the Federal Emergency Management Agency (FEMA) Floodway and Flood Insurance Rate Map (FIRM). All new buildings must be constructed above the regulatory 100-flood elevation of 693 feet.

### Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	4 <sup>th</sup> Street East Single Family Home	R-2 – Med Dens Res.	U-I – Urb Res.
East	Single Family Home	R-2 – Med Dens Res.	U-I – Urb Res.
South	Lake Isabelle		
West	Locust Street Vacant Land	R-2 – Med Dens Res.	U-I – Urb Res.

### **Vacation of Right-of-Way**

The subject property includes the south half of vacated 4<sup>th</sup> Street and east half of vacated Locust Street. The applicant's request for vacation of the remaining right-of-way of Locust Street was recently denied by the City Council.

### **Existing Condition**

The site drops slopes south from a high point of 704 feet along 4<sup>th</sup> Street to the lake level of 677 feet. The site is wooded at the lower/rear portion of the property.

## **SHORELAND MANAGEMENT REGULATIONS**

### **Shoreland Management Regulations**

Shoreland Management rules are regulated in Chapter 16 of the city code. All variances require a public hearing, and notification of the Department of Natural Resources for comment.

### **Shoreland Classification**

Lake Isabelle is classified as a "Recreational Development" Lake. Single Family residences are a permitted use.

### **Shoreland Variance Criteria**

Section 16.03, Subd. 2. outlines the procedures for granting variances as follows:

*A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.*

## **VARIANCE REVIEW**

### **Department of Natural Resources**

Copies of the hearing notice and plans have been forwarded to DNR for official review. Staff has been in contact with DNR prior to official notice and they have indicated they would not oppose the Shoreland or Flood Plain Variances.

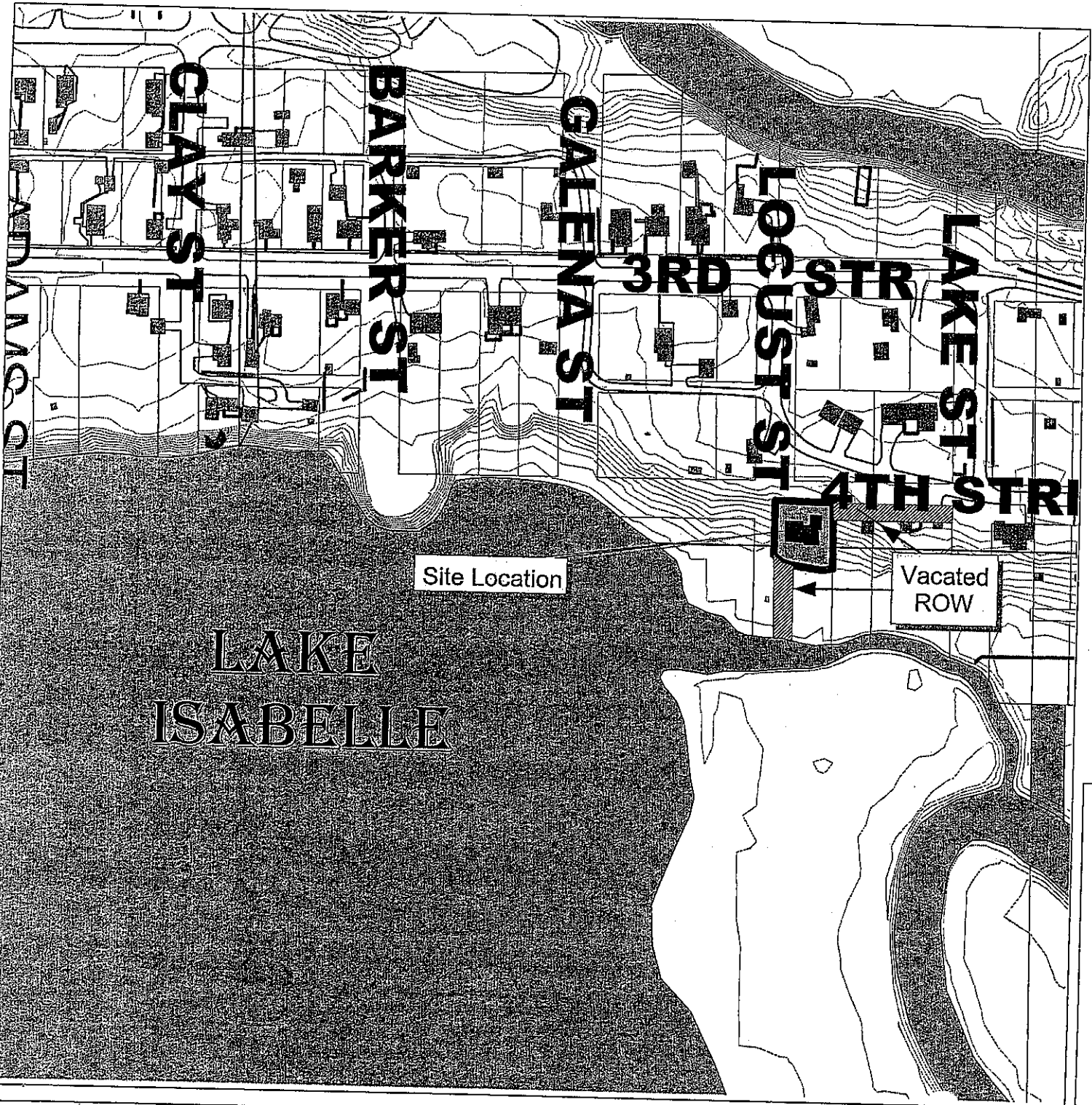
### **Fill**

Fill has been placed on site in the past to raise the elevation. The condition and structural stability of the fill has not been determined by the City. The applicant proposes to replace fill with suitable material in order to construct the home. Soil borings and density testing by an approved testing agency must be provided prior to building permit approval to verify integrity and structural stability of the site to the satisfaction of the Building Official. At least six borings will be needed in various areas of the building pad. Cumulative placement of fill in excess of 1,000 cubic yards would require a special use permit. It does not appear that threshold will be reached with this project.




### **VARIANCE ANALYSIS**

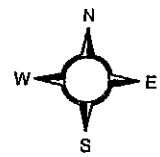
**Minimum Lot Size** – The existing 9,456 square foot lot parcel exceeds the R-2 minimum lot size of 7,000 square feet. The lot size is consistent with other lots in the area. The typical lot size in Barkers Addition is 9,240 square feet (66' x 140'). The applicant owns property on the west side of Locust Street, and made an unsuccessful attempt to vacate the right-of-way in between to achieve minimum lot size. Approval is recommended

# Variance 4th and Locust Lehtola\Heiman

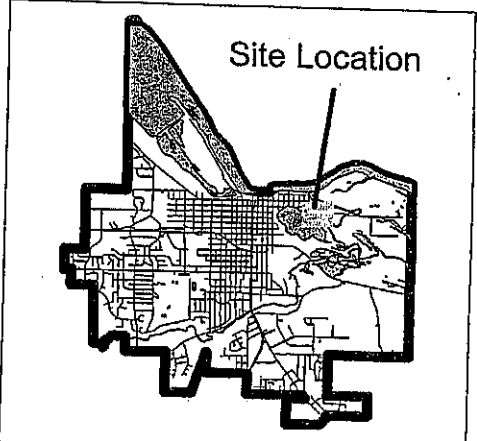


**Legend**

-  Buildings
-  Roads
-  Parcels

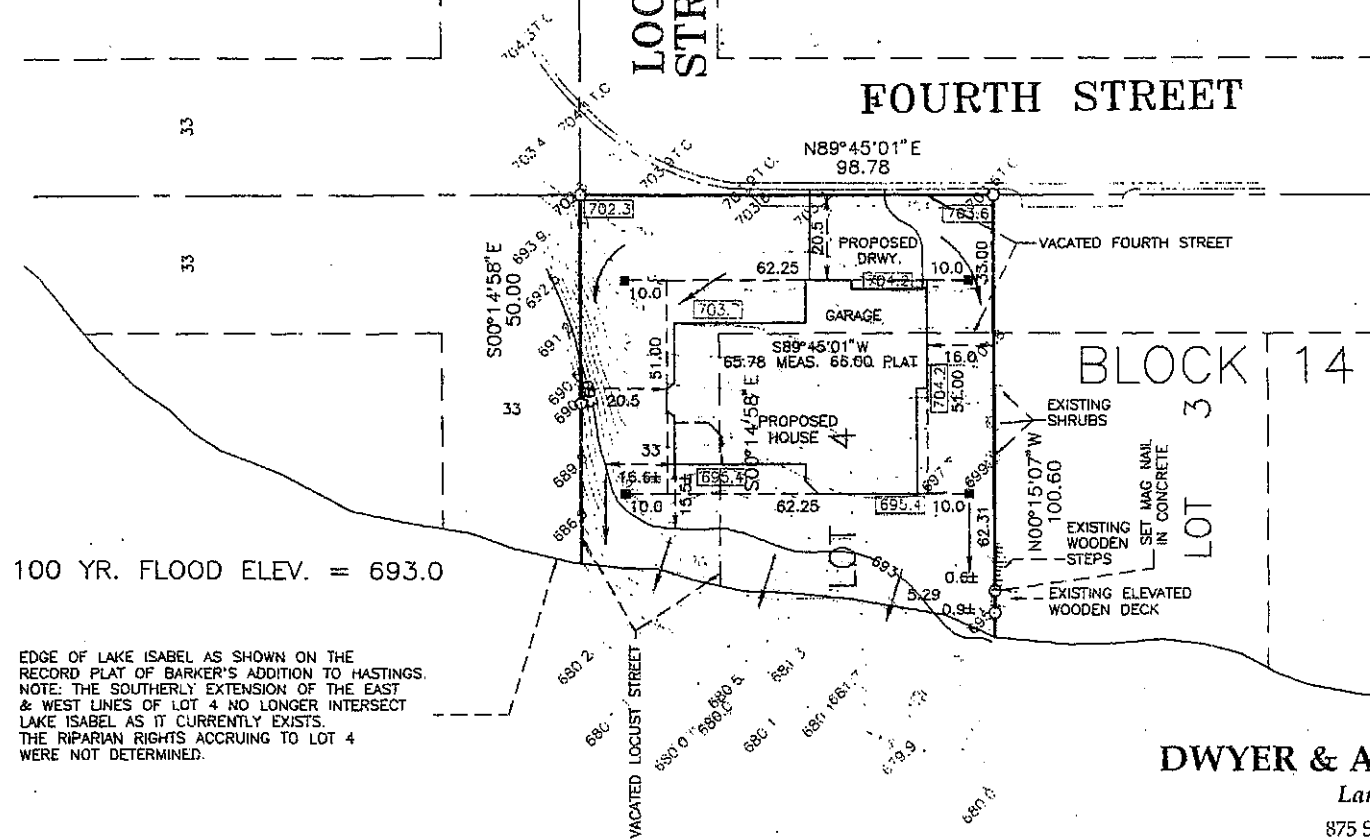


Map Date: September 9, 2002



TOP NUT OF HYDRANT AT FOURTH ST. & LAKE ST., ELEV. = 707.17

TOP NUT OF HYDRANT ON LOCUST ST. AT ALLEY BETWEEN THIRD ST & FOURTH ST., ELEV. = 706.65.



100 YR. FLOOD ELEV. = 693.0

EDGE OF LAKE ISABEL AS SHOWN ON THE RECORD PLAT OF BARKER'S ADDITION TO HASTINGS. NOTE: THE SOUTHERLY EXTENSION OF THE EAST & WEST LINES OF LOT 4 NO LONGER INTERSECT LAKE ISABEL AS IT CURRENTLY EXISTS. THE RIPARIAN RIGHTS ACCRUING TO LOT 4 WERE NOT DETERMINED.

LOT 4, BLOCK 14, BARKER'S ADDITION TO HASTINGS, ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, DAKOTA COUNTY, MINNESOTA. TOGETHER WITH THOSE PARTS OF VACATED LOCUST AND FOURTH STREETS ACCRUING THERETO BY VACATION THEREOF.

AREA OF PROPOSED BLDG. FOOTPRINT = 2341 SQ. FT.  
 AREA OF PARCEL TO PLATTED LINES = 9456 SQ. FT.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*John F. Dwyer*  
 Date 7/30/02 Reg. No. 9294  
 Revised 9/3/02  
 Revised 10/2/02

**DWYER & ASSOCIATES, INC.**

Land Surveyors

875 Spiral Boulevard  
 Hastings, Minnesota 55033  
 Bus: (651) 437-2909 Fax: (651) 437-4979

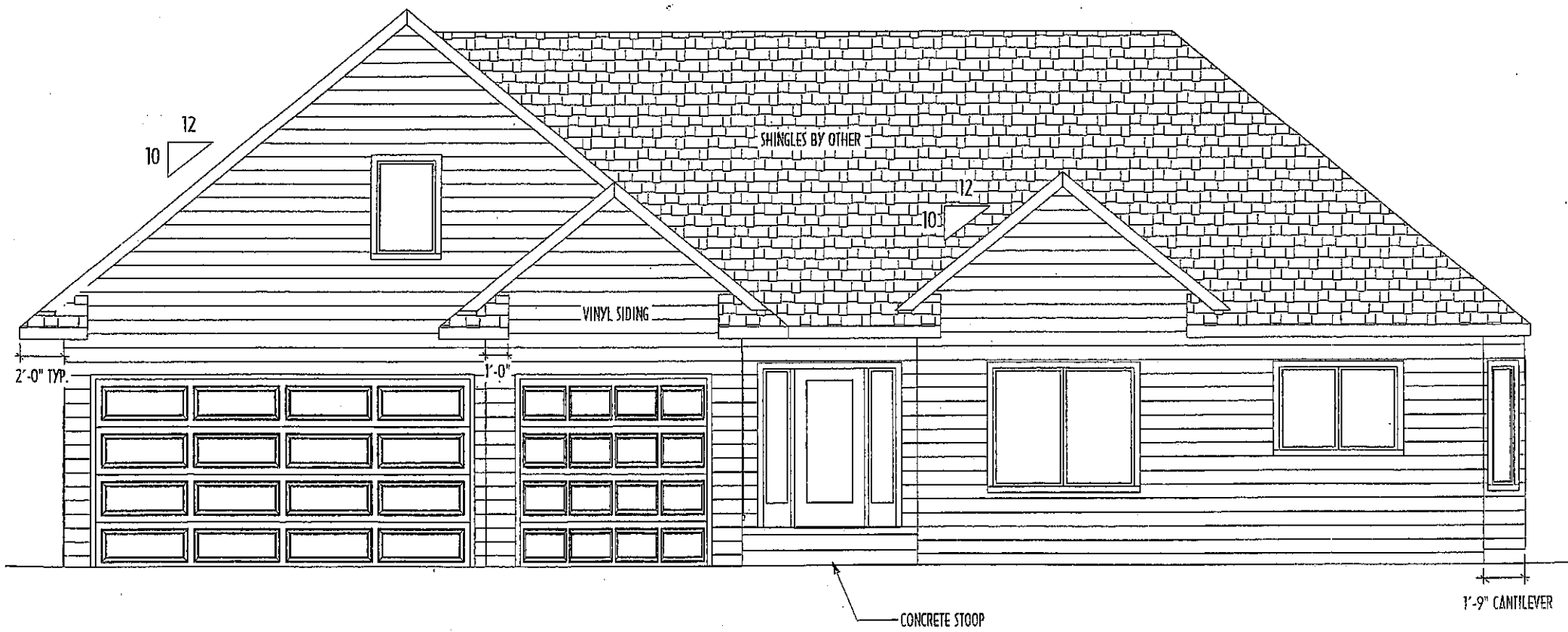


BEARING SYSTEM IS ASSUMED.

- DENOTES 1/2" IRON PIPE SET, MARKED R.L.S. 9294.
- DENOTES WOODEN HUB SET.
- DENOTES DIRECTION OF PROPOSED DRAINAGE.
- - - DENOTES EXISTING CONTOUR LINE.
- DENOTES EXISTING SPOT ELEVATION.
- DENOTES EXISTING TOP OF CURB ELEVATION.

- PROPOSED GARAGE FLOOR ELEV. = 704.4
- PROPOSED LOWEST FLOOR ELEV. = 695.70
- PROPOSED LOWEST FOUNDATION OPENING ELEV. = 695.70
- PROPOSED TOP OF FOUNDATION ELEV. = 704.7

<b>BOUNDARY SURVEY</b>		
SCALE: 1"=30'		DRAWN BY:
DATE: 7/3/02		REVISED:
STEVE LEHTOLA		
HASTINGS, MINNESOTA.		DRAWING NUM 2000-06



FRONT ELEVATION



# REAR ELEVATION

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

# HASTINGS PLANNING COMMISSION

September 9<sup>th</sup>, 2002

Regular Meeting

7:00 pm

Chairman Anderson called the meeting to order at 7:01 pm.

## 1. Roll Call

**Commissioners Present:** Alongi, Anderson, Greil, Hollenbeck, Truax, and Twedt

**Commissioners Absent:** Michno

**Staff Present:** Planning Director John Hinzman, Administrative Assistant Samantha Schmidtke

## 2. Approve August 26<sup>th</sup>, 2002 Planning Commission Minutes

With no changes, the minutes were accepted by a unanimous vote.

## 3. PUBLIC HEARING – Lehtola and Heiman – Shoreland/Floodplain Variance #2002-74 to vary from setback, lot size, and impervious surface regulations for construction of a new home at the southeast corner of 4<sup>th</sup> Street East and Locust Street.

Director Hinzman presented background information on the project.

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

David Hume, 320 Locust Street, expressed concerns with the illegal dumping of fill and rock on the site, as well as previous flooding of the area. He also stated that he feels the proposed house is very large for the area.

Mary Anderson, 1501 4<sup>th</sup> Street East, stated that she resides directly across the street from the proposed home location. She was not opposed to the vacating of the south side of the 4<sup>th</sup> Street right-of-way as it helped to preserve the Barker house, but she was opposed to the recent request for the Locust Street vacation because there are many in the area that want to preserve public access to Lake Isabel as a part of the effort to revitalize the lake. She added that she has been told by many people, including City employees, that the proposed lot was not buildable. She stated that nothing was ever done regarding the complaints made about illegal dumping onto the lot, and that she would like to have a survey done of her property to accurately determine the location of property lines in the area.

Steven Hood, 310 Lake Street, expressed concerns about what the construction of this home would have on the views of the lake. He also was told that this was an unbuildable lot.

Dan Reuter, 1512 4<sup>th</sup> Street East, stated that he purchased the Barker house from the City several years ago and was told at that time that no home could be built to the west of him (the Lehtola/Heiman lot). The past couple of years he has had water at the foundation level of his home.



Steve Lehtola, applicant, stated that the rear building level is about 3 feet above the 100 year level, as he wants to avoid flooding in the home as well. He added that he bought the property for the view and went through much work to ensure it was buildable. He has contacted Gopher One to locate utilities in the area and it seems that all are available. He estimated that 80 yards of fill were brought into the site, based on conversations with someone who dumped material there.

Chairman Anderson closed the public hearing at 7:49 pm.

Commissioner Greil inquired as to the proposed foundation size of the home.

Mr. Lehtola responded that it is approximately 1,665 square feet.

Mr. Reuter added that his foundation size is 900 square feet.

Ms. Anderson stated her foundation size is 600 square feet.

Chairman Anderson asked if the home was a one or two story design.

Mr. Lehtola stated that it is a one-story with a walkout.

Commissioner Greil asked for clarification on the 20,000 square foot requirement.

Director Hinzman explained that the shoreland overlay is anything within 1,000 feet of the OHWL. General development of the area is similar to the request, and lot size is consistent in the area. The Shoreland ordinance is a template of the DNR model.

Commissioner Twedt inquired as to when part of Locust was vacated, and what happened with the request for the remainder of Locust. Also, what is the notification distance required.

Director Hinzman stated that the vacated portion of Locust was approved in the late 1990's. Recently, Mr. Lehtola requested that the remainder of Locust be vacated, but the request was denied by the City Council. State statute requires notification of land owners within 350' of the affected property.

Commissioner Alongi asked Director Hinzman for his opinion on whether this was a buildable lot.

Director Hinzman replied that without variances, it was not.

Commissioner Alongi asked if there were other lots around Lake Isabel similar in size, and expressed concern that there was an assumption that many lots were smaller.

Commissioner Truax asked what the elevation was that needed to be built above.

Director Hinzman stated that the Ordinary High Water Level is 677 feet.

Commissioner Truax stated that he had visited the site and was positive that more than 80 yards of fill had been dumped on the lot.

Director Hinzman stated one of the questions to consider is if the Planning Commission and City Council would have granted permission for the fill to be placed on the site. He also added that there is potential to redesign the house to minimize some of the variances requested.

Chairman Anderson stated that no permits or approvals were obtained for the fill, therefore it is illegal. He added that he feels the house design is wrong for the property, and that there is too much impervious surface. He also felt that a different house design could better meet setbacks on the site, and he is unsure if the house design blends with the neighborhood.

Commissioner Alongi concurred with the Chairman, as well as the fact that the lot was well under the 20,000 square foot requirement.

Commissioner Greil asked if findings of fact were necessary.

Director Hinzman stated that the 4 elements of findings of fact are from the Zoning Code, and that these are variances from the Shoreland/Floodplain Codes.

Commissioner Truax stated that he felt 3 of the 4 variances could be eliminated with a different home design.

Chairman Anderson added that a denial of the variances wouldn't completely deny the applicants use of the lot, simply that a different configuration may be more appropriate for the site.

#### **Planning Commission Action:**

**Commissioner Truax moved and Commissioner Alongi seconded a motion to recommend to the City Council the denial of the 4 variances listed below:**

- 1) Chapter 13, Section 13.05, Subd. 2.1 – Construction of a building within 15 feet of the regulatory flood elevation. Proposed home would be setback 8.5 feet.
- 2) Chapter 16, Section 16.05, Subd. 1.2(B) – Construction of a home on a lot less than 20,000 square feet. The existing lot is 9,456 square feet.
- 3) Chapter 16, Section 16.05, Subd. 2.1(A) – Construction of a home within the 75 foot setback from the Ordinary High Water Level. Proposed home is approximately 60 feet from the Ordinary High Water Level.
- 4) Chapter 16, Section 16.05, Subd. 5.2(A) – Impervious surface coverage exceeding 25 percent of lot area. Proposed coverage is approximately 26.8 percent.

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

4. **PUBLIC HEARING – Marilu Husman-Woodford – Shoreland Variance #2002-75 to vary from lot size and lot width regulations for construction of a new home at 629 2<sup>nd</sup> Street East.**

Director Hinzman presented background information on the proposal.

Chairman Anderson opened the public hearing at 8:27 pm.

#2002-074

LAND USE APPLICATION

CITY OF HASTINGS

101 4th Street East, Hastings, MN 55033

Phone (651)437.4127 Fax (651)427.7082

Address of Property Involved: E. 4th Street

Legal Description of Property Involved: LOT 4 BLOCK 14 in BARKERS ADDITION

Applicant: LINDA HEIMAN  
Name STEVEN LEHTOLA  
Address 621 W. 5th ST  
HASTINGS MN 55033  
Phone 651-437-442-7166  
FAX \_\_\_\_\_

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

Owner (If different from Applicant):  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Request: \_\_\_\_\_  
Rezone: \_\_\_\_\_  
Comp Plan Amend: \_\_\_\_\_  
Site Plan: \_\_\_\_\_  
Variance: X \_\_\_\_\_  
Special Use: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Vacation: FE \_\_\_\_\_  
Other: \_\_\_\_\_  
TOTAL: \$100.00

Description of Request (include site plan, survey, and/or plat if applicable):  
Allow BOUNDARY Variance lot size is from 10,000 -> 26,000 w/ Reversion Rights

[Signature] 8/22/02  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Owner Date

# JACK W. CLINTON, P.A.

ATTORNEY AT LAW

JACK W. CLINTON\*  
CONSTANCE L. BARTLETT  
LEGAL ASSISTANT

CURRELL CENTRE, SUITE 200  
7616 CURRELL BOULEVARD  
WOODBURY, MINNESOTA 55125

TELEPHONE: 651-264-3077  
FAX: 651-264-3076

October 3, 2002

City of Hastings  
Attn: John Hinzmann  
101 4<sup>th</sup> Street East  
Hastings, MN 55033

Re: Our Clients: Mr. And Mrs. Steven Lehtola

Via Facsimile 651-437-7082 and U.S. Mail

Dear Mr. Hinzman:

I am submitting this letter on behalf of the Lehtola's concerning the lot size variance that will be considered by the city council on Monday, October 7, and to address the fill that was placed on the property before my client's ownership.

The only variance that is requested is for the lot size. The other variances that were applied for have been addressed by changing the house configuration.

As you know, the plat of this property was done the 1800's, prior to any zoning regulations. The lot is 9456 square feet. The variance is absolutely necessary since without the variance, there is no reasonable use of the property. The variance is justified for the following reasons independent of the lack of any other use to which the lot could be placed:

1. The property will be connected to city sewer and water, and thus there is no public health or safety concern that would result from approving the variance.
2. The lot size is consistent with the average lot size of other properties in the immediate area.
3. The city has recently approved variance for lot sizes in the area that are consistent with the request by Lehtola's. A denial of the variance would be a denial of Lehtola's equal protection rights.
4. As stated in your report of September 9, 2002, the DNR has no objection to the variance approval.
5. Mr. Lehtola has made all reasonable efforts to add land to his property to enlarge the lot. The approval of the partial vacation of right-of-way accomplished obtaining some additional land. The city did not approve his most recent request that would have joined the existing parcel with the land that was vacated.
6. The house will be at an elevation above the flood elevation, and there is no basis for the construction of the home to be at risk of flooding.

The plat shows the lake edge and elevation. The lake level is much lower than that shown on the plat, and the land that is now above the lake level would accrue to the lot. We have not gone into that from a survey and title aspect since the variance should be granted. However, if the riparian land accrues to the lot, the lot would exceed the 20,000 square feet requirement (without counting the vacated right-of-way) and then no variance would be required. My clients reserve the rights they have by reason of the riparian land that accrues to the lot, and that no variance would be required as a result thereof. The reservation is in the event that the city denies the variance.

The addition of fill to the property was also raised. The land will need to be excavated and fill that was placed on the property removed to accommodate the house that will be constructed. Since it is a walk out style, the current topography will not accommodate the home without removal of material. In addition, Lehtola's will not construct a home if the site is not able to support the structure home. The appropriate testing will be done to assure my client that the footings will be on soil that will be stable and provide integrity for the long-term interests of my client investing money in the home.

Thank you for your courtesies in this matter. If you have any questions, please let me know.

Very truly yours,

**JACK W. CLINTON, P.A.**



Jack W. Clinton

JWC:clr

Enclosures

cc: Mr. Mrs. Steven Lehtola  
Mr. Shawn Moynihan, Esq.

# Memo

**To:** Mayor Werner and City Council  
**From:** John Hinzman, Planning Director  
**Date:** October 7, 2002  
**Subject:** Special Use Permit\Site Plan Review #2002-78 – Church in the I-1, Industrial Park District – Riley Construction Services (Christ's Family Church) – 460 Spiral Blvd

## REQUEST

Riley Construction Services seeks the following approvals for its building at 460 Spiral Blvd:

- 1) Special Use Permit approval to allow operation of a church (Christ's Family Church).
- 2) Site Plan Approval to allow an 852 s.f. warehouse expansion along the south side of the existing building.

## RECOMMENDED ACTION

The Industrial Park Board recommended unanimous approval of the requests at the September 26, 2002 meeting, subject to the conditions of the attached resolution. The Board discussed the compatibility of a church use in the park and supported the request based upon it being a temporary situation, as a tenant in a building, as opposed to a permanent resident owning land.

The Board determined that the building addition triggered the need to conform to existing parking lot standards including curb and gutter.

No one spoke for or against the request during the public hearing.

## ATTACHMENTS

- Location Map
- Site Plan
- Application

## **BACKGROUND INFORMATION**

### **Comprehensive Plan Classification**

The use conforms to the 2020 Comprehensive Plan. The subject property is classified I, Industrial.

### **Zoning Classification**

The subject property is zoned I-1, Industrial Park. Church's are classified as a special use.

### **Adjacent Zoning and Land Use**

All property abutting the site is within the Industrial Park and zoned for Industrial Use.

### **Existing Condition**

The existing building was constructed in 1973 and house 3 or 4 tenants.

## **SPECIAL USE PERMIT REVIEW**

### **Operations**

Christ's Family Church would sublease 7,638 s.f. for operation of a 300 seat church. Church use would be limited to evening and weekend use.

### **Parking and Circulation**

85 parking spaces currently exist. The church would require 100 spaces. The church has obtained a letter of intent from Total Gear and Drivetrain at 540 Spiral Blvd to use their parking lot for overflow purposes.

## **SITE PLAN REVIEW**

An 832 square foot addition is planned for the south end of the building as well as an upgraded building entry along the east side. A new access would be added to Commerce Drive for the parking lot.

The proposed expansion must provide a minimum 10 foot setback from Commerce Drive.

The existing parking lot is paved but does not have curb or gutter. The only improvement proposed to the parking lot is an additional entrance to Commerce Drive. The new drive and curb cut must be built to city standards including curb and gutter.

## **ANALYSIS**

The existing parking area south of the building is surrounded by an 8 foot chain link fence with privacy slats and is in disrepair along the Commerce Drive Frontage. The area enclosed by the fence contains palettes and equipment in various stages of repair, and is not fully utilized as parking. Both the fence and the parking area would need to be cleaned up. Peak use of the church is opposite that of the building and industrial park, and makes more efficient use of building and parking.



**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS  
APPROVING THE SITE PLAN AND SPECIAL USE PERMIT REQUEST OF RILEYS  
CONSTRUCTION SERVICES\CHRISTS FAMILY CHURCH TO EXPAND AN  
EXISTING BUILDING AND OPERATE A CHURCH IN THE I-1 INDUSTRIAL PARK  
DISTRICT AT 460 SPIRAL BOULEVARD, HASTINGS, MINNESOTA**

Council member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

**WHEREAS**, Rileys Construction Services and Christs Family Church has petitioned for the following approvals in conjunction with development of 460 Spiral Blvd:

- 1) Special Use Permit approval to allow operation of a church (Christs Family Church).
- 2) Site Plan Approval to allow an 852 s.f. warehouse expansion along the south side of the existing building.

**WHEREAS**, on September 26, 2002, a public hearing was conducted before the Industrial Park Board of the City of Hastings; 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 and special use permit request subject to the following conditions:

1. Recording of an irrevocable joint parking agreement to provide for the minimum parking standards as outlined in city code.
2. Repair or removal of the existing chain link fence south of the existing building to the satisfaction of the Planning Director.
3. Exterior storage of equipment and materials shall be adequately screened and well maintained.
4. Adherence to Industrial Park Appearance Standards.
5. Final approval of plans by the Public Works Director and Building Official.

6. Adherence to the Parking Lot Construction standards as established by the Public Works Department, including concrete curb.
7. Operation of the church is limited to nights and Sundays.
8. Any intensification of the use would trigger the need for an amended special use permit.
9. Designated parking areas shall remain free of exterior storage to ensure availability of all stalls as indicated on the approved site plan.
10. The building addition must be setback at least 10 feet from the right of way.
11. Expansion of the building will trigger compliance with existing parking lot construction standards including curb and gutter.

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

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

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
 Michael D. Werner, Mayor

\_\_\_\_\_  
 Melanie Mesko Lee  
 Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

\_\_\_\_\_  
 Melanie Mesko Lee  
 Administrative Assistant/City Clerk





(SEAL)

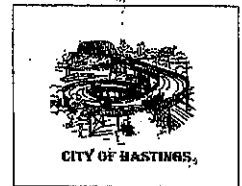
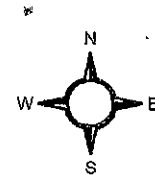
This instrument drafted by:

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

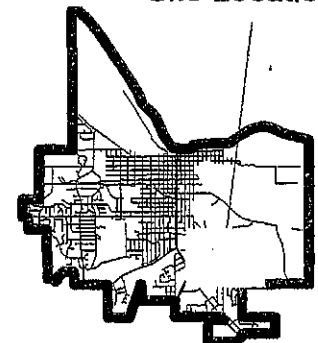
# HASTINGS INDUSTRIAL PARK LAND FOR SALE

## Legend

-  Industrial park available
-  Industrial park occupied
-  Industrial park pending
-  Buildings



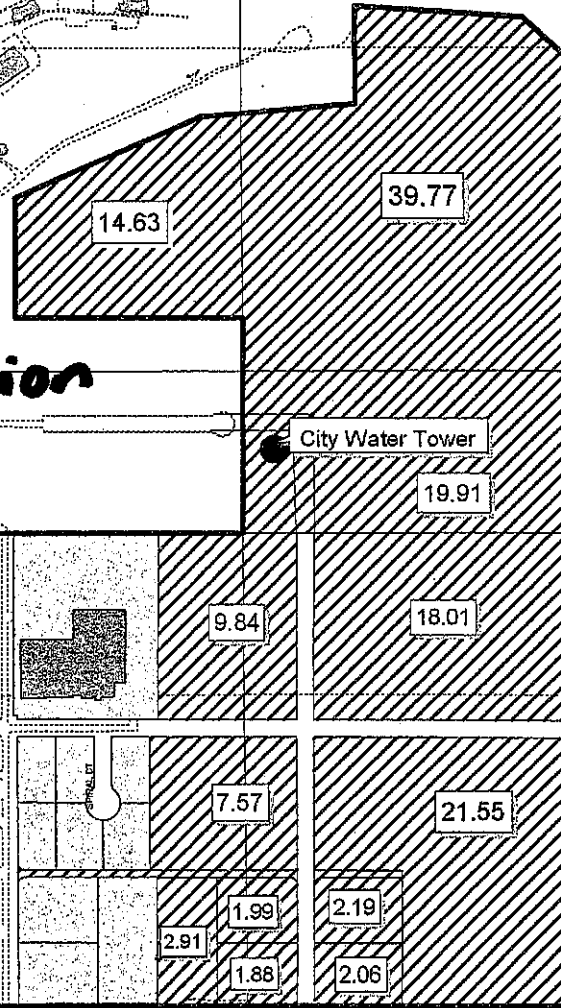
## Site Location

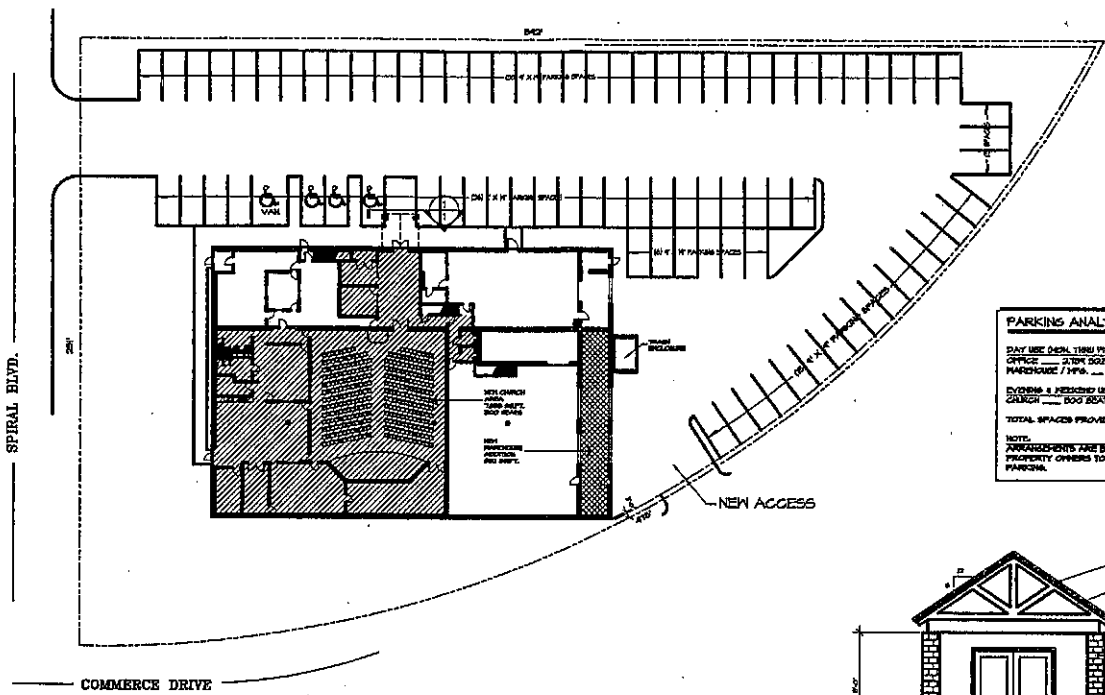


**Location**

HASTINGS INDUSTRIAL PARK  
145 TOTAL ACRES FOR SALE  
UTILITIES AVAILABLE FOR ENTIRE SITE

CONTACT JOHN HINZMAN  
651.437.4127 OR [jhinzman@ci.hastings.mn.us](mailto:jhinzman@ci.hastings.mn.us)





OWNER:  
 DEAN & DOROTHY EILEY  
 440 SPIRAL BLVD.  
 HASTINGS, MN, 55033  
 CONTACT:  
 DEAN EILEY  
 857-820-0500

TRUMP:  
 CHRIST'S FAMILY CHURCH  
 544 8TH ST. PL  
 HASTINGS, MN, 55033  
 CONTACT:  
 PARRIS PACHA  
 857-873-0240

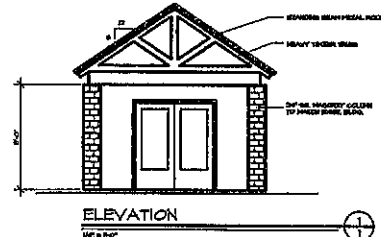
**PARKING ANALYSIS**

DAY USE (ASH, TRSU, PHS)  
 OFFICE — 210K SQFT / 500  
 PARISH/CHURCH / TRSU — 100K / 1000 = 9 SPACES

WEEKENDS & HOLIDAYS USE  
 CHURCH — 500 SEAT CAPACITY / 15 = 100 SPACES

TOTAL SPACES PROVIDED — 109

NOTE:  
 ADJACENT OWNERS ARE BEING NOTIFIED THAT ADJACENT PROPERTY OWNERS TO ACCOMMODATE OVER-FLOW PARKING.



**ARCHITECTURAL SITE PLAN**  
 1" = 30'-0"

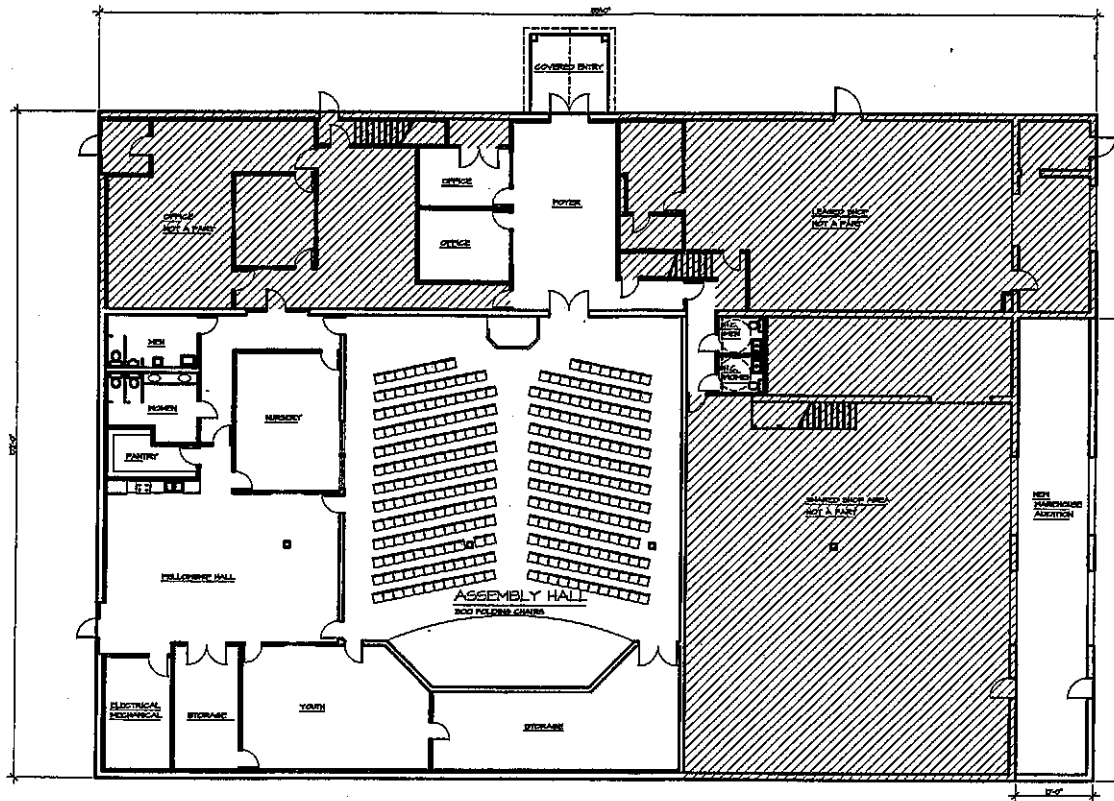
NOTE:  
 SITE PLAN IS BASED ON INFORMATION PROVIDED TO THE ARCHITECT BY OTHERS. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR ERRORS. AGENCY OF INFORMATION PROVIDED. SEE CIVIL ENGINEERING PLANS FOR ADDITIONAL INFORMATION.

Project: CHRIST'S FAMILY CHURCH  
 440 SPIRAL BLVD  
 HASTINGS, MN, 55033

Date: 25 AUG 02  
 shk. no. 1 of 2  
 project no. C-02-901

David L. Harris, Architect  
 P.L.L.C. 383 W. WASHINGTON, WILMINGTON, DE 19801  
 TEL: 302-478-1100 FAX: 302-478-1101

Rcvd 9/4/02



PRELIMINARY TENANT IMPROVEMENT FLOOR PLAN = 7,638 SQ. FT.  
 0/1" = 1'-0"

The undersigned hereby certifies that he is a duly Licensed Professional Engineer in the State of Minnesota, and that he is the author of the above drawings, and that he is not providing any professional services to the client under this license. He is not providing any professional services to the client under this license. He is not providing any professional services to the client under this license.

**David L. Harris, Architect**  
 P.L.L.C. / P.L.L.C. REGISTRATION NO. 141,100,000



Project:  
**CHRIST'S FAMILY CHURCH**  
 2400 SPIRAL BLVD.  
 HASTINGS, MN. 55033

Date: 08/14/13  
 Sht. no.  
**2 of 2**  
 Project no.  
**C-02-901**

*Revised 9/4/13*

#2002-78

LAND USE APPLICATION

CITY OF HASTINGS

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

Address of Property Involved: 460 Spiral Boulevard

Legal Description of Property Involved: See Exhibit A

Applicant:

Name Riley's Construction Services  
Address 460 Spiral Blvd.  
Hastings, MN 55033  
Phone 651-480-0110  
FAX 651-480-0440

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

Owner (If different from Applicant):

Name Riley's Construction Services  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Request: \_\_\_\_\_  
Rezone: \_\_\_\_\_  
Comp Plan Amend: \_\_\_\_\_  
Site Plan: \_\_\_\_\_ X \_\_\_\_\_  
Variance: \_\_\_\_\_

Special Use: \_\_\_\_\_ X \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Vacation: \_\_\_\_\_  
Other: \_\_\_\_\_  
TOTAL: \$200

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

Special use permit for a church to be a leased  
tenant. Building to remain commercial use with  
differenties.

Signature of Applicant

Date

9-4-02

Signature of Owner

Date

9-4-02

**RILEY'S CONSTRUCTION SERVICES LTD**  
**460 Spiral Boulevard**  
**Hastings, MN 55033**  
**(651) 480-0110**

September 9, 2002

City of Hastings  
101 East 4<sup>th</sup> Street  
Hastings, MN 55033

Re: Christ's Family Church – 460 Spiral Boulevard

This Letter of Intent is for the purpose of additional parking that we will allow at our place of business. This is for overflow parking on Sunday mornings.

By: Bill A. Suchy

Total Gear & Drivetrain  
540 Spiral Boulevard  
Hastings, MN 55033  
(651) 438-2943



# Memo

**To:** Mayor Werner and City Council

**From:** John Hinzman, Planning Director

**Date:** October 7, 2002

**Subject:** Site Plan Review – Lawrence Interior– Warehouse Expansion to previously approved building – Lots 5-6, Block 1, Hastings Industrial Park (Spiral Blvd)

## REQUEST

Lawrence Interiors seeks site plan approval to construct a 6,000 square foot addition onto an approved office and warehouse building, and move the approved building back to achieve a 20 foot setback from the side and rear property line. The building would be located on Lots 5-6, Block 1, Hastings Industrial Park (Spiral Boulevard).

The original Site Plan was approved at the August 19, 2002 meeting. The proposed addition and original building would be constructed at the same time.

## RECOMMENDATION

The Industrial Park Board recommended unanimous approval of the site plan at the September 26, 2002 meeting subject to the conditions of the attached resolution.

## ATTACHMENTS

- Resolution
- Location Map
- Site Plan

## **BACKGROUND INFORMATION**

### **Comprehensive Plan Classification**

The use conforms to the 2020 Comprehensive Plan. The subject property is classified I, Industrial.

### **Zoning Classification**

The subject property is zoned I-1, Industrial Park. Building material sales is a permitted use.

### **Adjacent Zoning and Land Use**

All property abutting the site is within the Industrial Park and zoned for Industrial Use.

### **Existing Condition**

The existing site is flat and treeless.

## **SITE PLAN REVIEW**

### **Use**

Lawrence Interiors proposes to operate the expansion area as warehouse space.

### **Architectural Building Elevations**

Architectural treatment is consistent with the original building and Industrial Park Standards. Although the expansion will be of steel construction, the office portion of the original approval surpasses Industrial Park Appearance standards.

### **Parking and Circulation**

Additional parking has been added to meet minimum requirements. No new access points to Spiral Blvd are proposed.

### **Grading and Utility Plan**

CCST Engineering prepared a grading and utility plan for the property in conjunction with the Scandinavian Marketplace approval. It appears the building location and site plan is consistent with the grading and utility plan, however the Public Works Director must finalize the plan.

### **Building Placement**

The change in setback is needed in order to construct a metal building. The building code requires a 20 foot setback for metal building construction.

**Landscaping Plan**

The landscape plan meets minimum planting and screening requirements and provides a variety of coniferous, deciduous, and shrub plantings.

**HASTINGS CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS  
APPROVING THE SITE PLAN REVIEW OF LAWRENCE INTERIORS TO  
CONSTRUCT AN ADDITION ONTO AN APPROVED BUILDING ON LOTS 5 AND 6,  
BLOCK 1, HASTINGS INDUSTRIAL PARK NO. 6, HASTINGS, MN**

Council member \_\_\_\_\_ introduced the following Resolution and moved its adoption:

**WHEREAS**, Lawrence Interiors has petitioned for site plan approval to construct a 6,000 square foot building located on Spiral Blvd legally described as Lots 5 and 6, Block 1, HASTINGS INDUSTRIAL PARK NO. 6, Dakota County, Minnesota; and

**WHEREAS**, on September 26, 2002, review was conducted before the Industrial Park Board 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 for Lawrence Interiors subject to the following:

- 1) Construction of all facilities shall be consistent with the approved Site Plan, Landscape Plan, and Architectural Elevations as presented to the City Council on October 7, 2002.
- 2) Final approval of the grading, drainage, and erosion control plan by the Public Works Director.
- 3) A covenant shall be filed combining the both lots so that they cannot be sold separately
- 4) All rooftop equipment shall be screened from public views through a combination of parapet walls or painting of the equipment to match the building.
- 5) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 6) Truck parking areas are reserved for trailers only. Any outside storage of materials or debris shall be enclosed with an opaque fence.
- 7) All parking and drive aisle areas shall be constructed to City Code with concrete curb and bituminous paving.

8) All waste enclosures shall be self contained and constructed of materials to match the principal building.

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

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

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michael D. Werner, Mayor

\_\_\_\_\_  
Melanie Mesko Lee  
Administrative Assistant/City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 7<sup>th</sup> day of October, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.





\_\_\_\_\_  
Melanie Mesko Lee  
Administrative Assistant/City Clerk

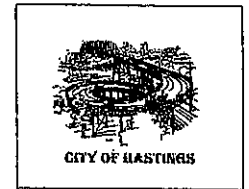
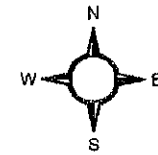
(SEAL)

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

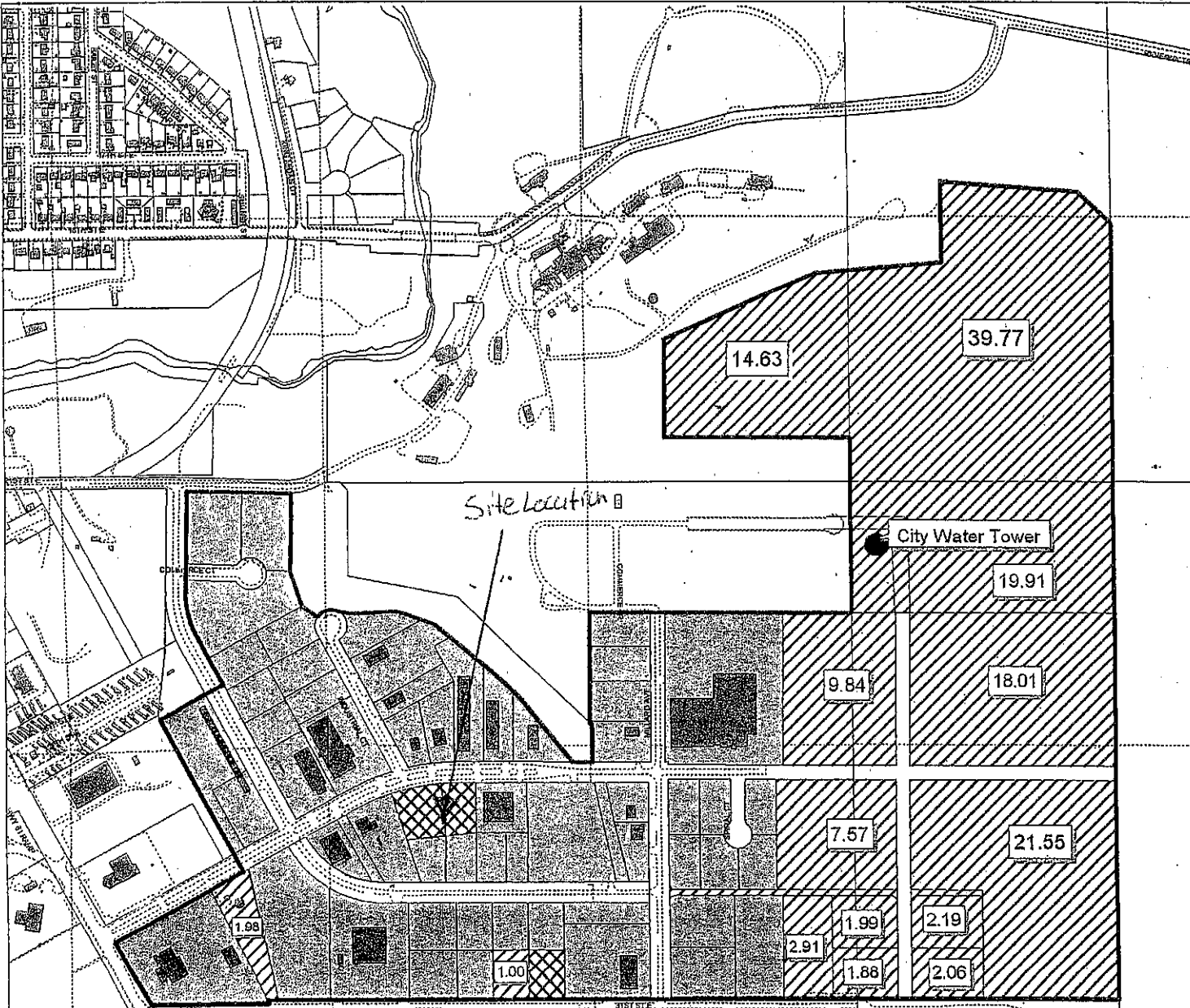
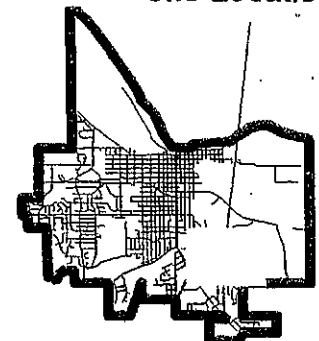
# HASTINGS INDUSTRIAL PARK LAND FOR SALE

## Legend

-  Industrial park available
-  Industrial park occupied
-  Industrial park pending
-  Buildings



## Site Location



HASTINGS INDUSTRIAL PARK  
145 TOTAL ACRES FOR SALE  
UTILITIES AVAILABLE FOR ENTIRE SITE

CONTACT JOHN HINZMAN  
651.437.4127 OR [jhinzman@ci.hastings.mn.us](mailto:jhinzman@ci.hastings.mn.us)







# Memo

**TO:** Mayor Werner and City Council

**FROM:** Kris Jenson, Associate Planner

**DATE:** October 2, 2002

**SUBJECT:** Greg J. Homes – Roof Sign Request for 3475 Vermillion Street.

## REQUEST

Greg Jablonske is requesting approval of a roof sign for his business at 3475 Vermillion Street. Three businesses, Greg J. Homes, Re/Max and Home Design, are located in the building.

## BACKGROUND INFORMATION

The building is the former Buccaneer Bowling Alley which, according to the applicant, used the rooftop mechanical housing as the location for the building signage. Because the site was vacant for several years, this request needs to be reviewed by the City Council.

## ORDINANCE REQUIREMENTS

As you may recall, the sign ordinance was amended a year ago; however the language for roof signs did not change during that process. The language is as follows:

Roof Signs: To provide reasonable flexibility in respect to the sign regulations set forth in this section, the City Council may approve an application for a roof sign where an exception would be consistent with the intent of these regulations, in cases where the applicant demonstrates practical difficulties in using a wall sign or freestanding sign. However, no roof sign shall exceed in size the district requirements for freestanding signs. If the City Council approves a roof sign, the area of the roof sign may be subtracted from the allowable freestanding and/or wall signage allowed for the property and/or building.

## PLANNING CONSIDERATION

There are two issues that need to be addressed with this sign permit request. The first is that if a roof sign is granted, it cannot exceed the allowances for free-standing signs of the district in which the building is located. In this case, the property is zoned C-4, which permits a 100 square foot monument sign, meaning the council could approve a 100 square foot sign to be placed on the roof. The Council also has the leeway to determine if

the allowed roof signage will be subtracted from the allowed free-standing and/or building signage.

The Council should also note that the applicant is currently permitted 97.6 square feet of wall signage on the front of the building. This is based on 5% of the front wall area. Based on the ordinance language, this signage allowance would still be permitted unless the Council chose to approve the roof sign in lieu of the free-standing and the building signs.

The second issue is that it appears the applicant will request a variance to the amount of signage allowed with the roof sign, asking for the total amount to be 160 square feet. It is anticipated that the variance request would go before the Planning Commission on October 14 for their recommendation. Obviously if the Council chooses not to approve the roof-sign request, the variance issue will be moot.

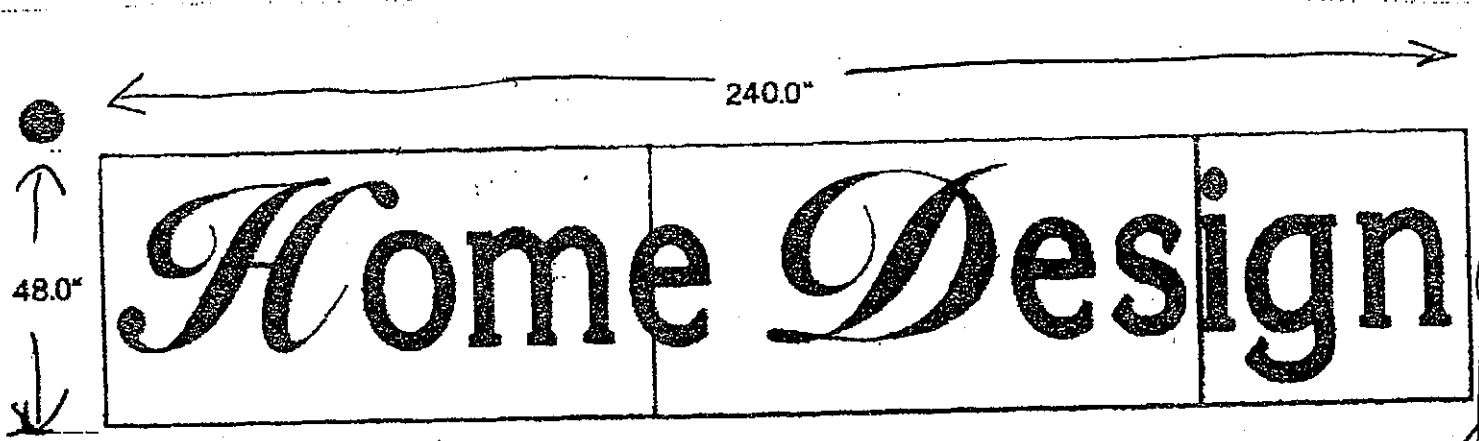
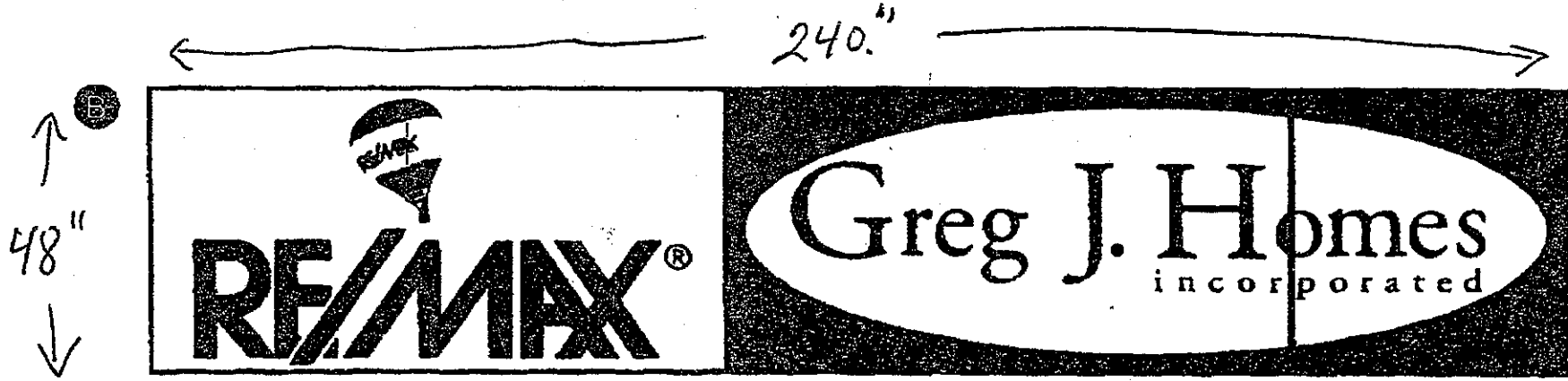
## **STAFF RECOMMENDATION**

Staff recommends approval of a 100 square foot roof sign to be located on the roof, subject to the following conditions:

1. This sign shall be in lieu of a free-standing monument sign on the site.
2. Issuance of a sign permit.

### **Attachments**

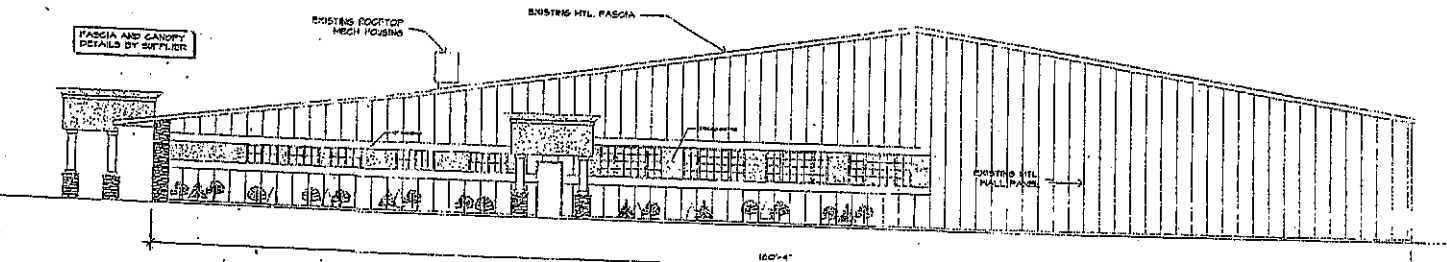
- Building Elevation Plans
- Sign Layouts



46' 3"

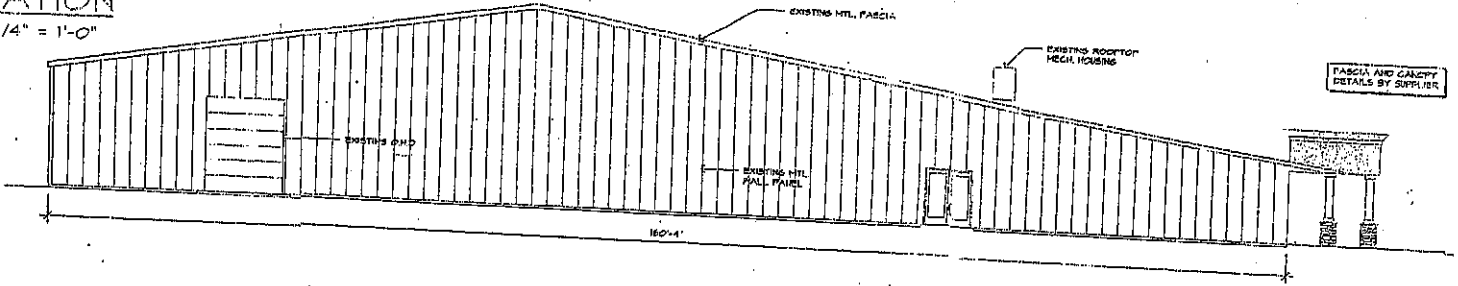
Material -  
1/2" Plywood  
wrapped with metal.

Lighting: Existing Spot Lights

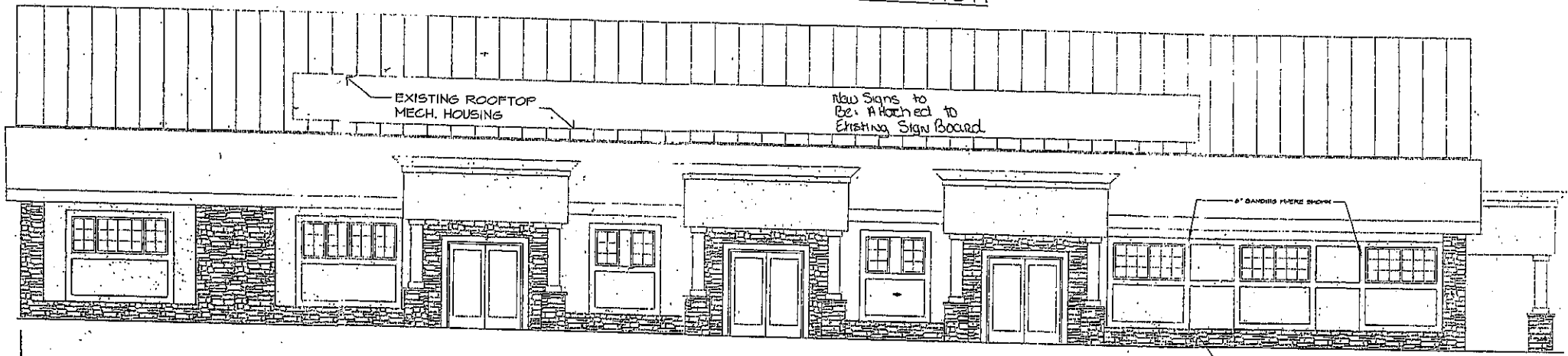


**RIGHT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



**LEFT SIDE ELEVATION**



STUCCO WALL PANEL  
FASTENED TO EXISTING MTL.  
WALL PANEL

ROCKFACE CONC. BLOCK  
CONTRACTOR TO SUPPLY STEEL LINTEL  
FOR SUPPORT. ANCHOR LINTEL TO  
FOUNDATION

**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

MEMORANDUM

To: Mayor Werner & City Councilmembers  
From: Melanie Mesko Lee, Administrative Assistant/City Clerk  
Date: October 3, 2002  
Re: Approve Amendment to Chapter 5.71—Massage Therapists &  
Massage Therapist Establishments

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Council Action Requested

The proposed amendments have been sent to all current licensees, and no comments have been received. Staff recommends approval of the ordinance amendment.

Background Information:

The Administrative Committee of the Council heard from a resident requesting reevaluation of the massage therapist/massage therapy establishment ordinance to permit the issuance of a license as a home occupation. Based on direction from the Administrative Committee, staff has prepared a draft ordinance to both clean up the language of this ordinance as well as provide for a home occupation provision for massage therapy establishments.

Council approved the first reading and ordered a public hearing for October 7, 2002 to consider an amendment to the City Code Chapter 5.71, amending certain regulations in regards to issuance of massage therapist and massage therapy establishment licenses.

If you have any questions, please feel free to contact me.

Attachments:

- Revised Ordinance

**SECTION 5.71. MASSAGE THERAPIST AND MASSAGE THERAPY ESTABLISHMENT LICENSES.**

Subd. 1. Statement of Purpose. In order to protect the public health, safety and welfare and to protect against the transmission of diseases, the City Council deems it necessary to provide for the regulation and licensing of persons who administer massages and the establishments where massages are administered.

Subd. 2. Location of Therapeutic Massage Establishments

A. Licensed therapeutic massage enterprises may be operated as a home occupation in accordance with the provisions as set forth in Chapter 10 of the Hastings City Code, provided such operation clearly exists as a secondary or accessory use of the premises.

B. Licensed therapeutic massage enterprises may be located where permitted by Chapter 10 of the Hastings City Code.

Subd. 3 Definitions. As used in this section, the following words and terms shall have the following meanings:

A. Massage Therapy or Therapeutic Massage. A scientific health care or health maintenance technique or procedure carried out by a massage therapist, involving the massaging and kneading of human skin, muscles and tissues for the purpose of easing mental and physical tension, the breaking up of fatty tissues and muscle spasms and the improvement of circulation through the body.

B. Massage Therapy Establishment. Any room or rooms where persons may, for a fee or other consideration paid either directly or indirectly, receive a therapeutic massage.

C. Massage Therapist. A person who, for compensation, practices and provides therapeutic massage, and is a person other than a licensed medical doctor, chiropractor, osteopath, podiatrist, nurse, physical therapist, or physical therapist aide working under the direct supervision of a physical therapist, athletic director or trainer or beautician or barber who confines treatment to the scalp, face and neck.

Subd. 4. Massage Therapist License and Massage Therapy Establishment License Application.

A. License Required. It is unlawful for any person to practice therapeutic massage therapy without a license from the City.

- B. License Application. All initial applications shall be made at City Hall to the City Clerk by filing an application form which has been approved by the City Council and which shall contain the following information:
1. A description and the location of the premises where the licensed activity is to be conducted. If the premise is not constructed and furnished at the time the application is submitted, detailed plans of the premises and furnishing shall be attached to the application. No license will be issued for a Massage Therapy Establishment until a final Certificate of Occupancy has been issued by the City of Hastings.
  2. Names and addresses of the applicant, together with the names and addresses of the property owner (if different), the business owner (if different), the lessee (if different), the manager or operator (if different), and, if a corporation, all the names and addresses of the officers of such corporation where the licensed activity will take place.
  3. A description of any crime or other offense, including the time, date, place, and disposition, for which any of the persons named above have been arrested or convicted.
  4. A description of the services offered by the massage therapist or the massage therapy establishment.
  5. Accompanied by a non-returnable investigation fee in an amount established by resolution of the City Council. All initial applications shall also be accompanied by front and side view photographs of the applicant.
  6. All necessary release forms to allow for the required background, education, and criminal checks.
  7. Licensed Premises. Any premises proposed to be licensed shall be first inspected by the City's building inspector and fire marshal. These premises must comply with all applicable building codes, fire codes, and health codes of the City of Hastings and State of Minnesota.
  8. Applications shall contain such other information as the Council may require.
- C. Review of Application—Approval or Denial. Such application will be reviewed by the Police Department, Planning Department, and

such other departments as deemed necessary. Background, criminal conviction, and educational checks will be conducted. Such departments will thereafter submit their reports and recommendations to the City Clerk, who will submit all of the reports and recommendations from the other departments, together with his/her report and recommendation, to the City Council. The City Council shall either grant or deny the license after receipt of the reports and recommendations from City Staff.

- D. Notice to Property Owners and Occupants. At least fifteen (15) calendar days before City Council consideration of an application for a massage therapy establishment license, the City shall notify, by mail, all owners and occupants who own property or reside within three hundred and fifty (350) feet of the establishment to be licensed.
- D. Hearing—Considerations. The City Council shall afford the applicant and all interested parties an opportunity to be heard and shall have the discretion to consider in granting, denying, renewing, or transferring the license, any reasonable fact or circumstance relating to the public health, safety, and welfare.
- E. Basis for Denial. The Council may deny an application, or deny an application for transfer or renewal because the public health, safety, or welfare would be adversely affected.
- F. Conditions. The City Council may impose reasonable conditions upon the license to preserve the public peace and to protect and promote good order and security.
- G. A massage therapist applicant must provide proof of the following:
1. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association and has completed 100 hours of training in massage.
  2. Certificate of professional liability insurance in an amount of not less than One Million Dollars.

Subd. 5 License Term and License Fee.

1. All massage therapist licenses and massage therapy establishment licenses issued shall terminate on December 31<sup>st</sup> of each year, regardless of when the license was issued. Any licensee requesting renewal of a license must apply for



a renewal in a timely manner.

2. The annual license fee for a massage therapist license shall be set by resolution of the City Council. The annual fee for the first year of the license shall be prorated from the date it is issued. All license fees must be paid before the license will be issued by the City.

H. Eligibility for License: Conditions.

1. All applicants shall be at least 18 years of age
2. Licenses may be granted only in compliance with the zoning code as determined by the City Council and the laws of the State of Minnesota and the ordinances of the City of Hastings.
3. Licenses shall be granted only to establishments which can meet the safety and sanitary requirements of the City Council and the building code regulations of the City of Hastings and the State of Minnesota.
4. The licensee shall display the license in a prominent place on the licensed premises at all times.
5. Licenses may be issued only to persons free from convictions of crimes which involve moral turpitude or which relate directly to the person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the occupation.

Subd. 6 Restrictions and Regulations. General Provisions for Massage Therapist and Massage Therapy Establishment Licenses.

1. Whenever a therapeutic massage is given, it shall be required by the massage therapist, that the person who is receiving the massage shall have his/her breasts, buttocks, anus and genitals covered with an appropriate nontransparent covering.
2. Any massage therapist performing a massage shall, at all times, have their anus, buttocks, breasts and genitals covered with a nontransparent material.
3. Therapeutic massages can only be given in a licensed

massage therapy establishment, ~~the place of business of the person giving the therapeutic massage or the place of business~~ or residence of the person receiving the therapeutic massage. For the purpose of Chamber of Commerce sponsored events, a special license may be issued by the City of Hastings to massage therapists licensed by the City to operate off their licensed premises for the duration of the event only.

4. All massage therapist and massage therapy establishment licensees shall comply with the provisions of this section now in effect and as it may be amended in the future. Failure to comply with the provisions of this section shall be grounds for revocation of any massage therapist license.
5. No doors of massage rooms, when occupied by one or more persons, shall be locked. All locks, if any, shall be keyed only from the exterior of the massage rooms.
6. All premises licensed under this section shall, at all times, be open to inspection by any health officer or police officer, to verify compliance with this section and any other applicable City or state laws. All persons issued a massage therapy establishment license agree, as a condition of being issued a license, to consent to such inspections, without a warrant, by any health officer or police officer.
7. It is unlawful for any licensee or agent or employee of a licensee, to hinder or prevent a health officer or police officer from making an inspection of the licensed premises.
8. No person under the age of 18 shall be permitted at any time on the licensed premises as a customer, guest or employee, unless accompanied by his or her parent or guardian.
9. Exception to License Establishment Requirement. This subdivision shall not apply to a health care facility owned by the state of Minnesota, or any of its agencies or any health care facility licensed by the state of Minnesota.
10. Responsibility of Licensee. Every licensee, whether actually on the licensed premises or not, shall be responsible for all actions which take place on the licensed premises
  - I. ~~No therapeutic massage can be given in any business that has been issued a home occupation permit.~~

Subd. 4. Massage Therapy Establishments.

- J. License Required. It is unlawful for any person to operate a massage therapy establishment without a license from the City. ~~It is unlawful for any person to practice therapeutic massage therapy in any place, except upon licensed premises, in the residence of the person receiving the therapeutic massage or the place of business of the person receiving the therapeutic massage.~~
- K. License Application. ~~All initial applications for licenses to operate a massage therapy establishment shall be accompanied by a nonrefundable investigation fee that shall be set by resolution of the City Council. The application shall be in a form approved by the City Council. The police department shall investigate all persons identified in the application, as individuals who have an interest in the massage therapy establishment. The police department shall report its findings to the City Council. All applications shall, thereafter, be considered by the Council.~~
- L. Restrictions and Regulations.
  - 1. ~~Licenses shall be granted only for the premises specified in the application, which must also be located in the proper zoning district. Licenses cannot be transferred to a different premise.~~

Subd. 7. Grounds for Revocation of License.

- 1. It shall be grounds for revocation of a license granted to any person under this chapter if:
  - A. Such person fails to comply with any of the ordinances of the City or the statutes of the State.
  - B. The owner, manager, lessee, or any of the employees are found to be in control or possession of any alcoholic beverages or narcotic drug or controlled substance, as defined by state statutes, shall be permitted on licensed premises.
  - C. The owner, manager, lessee, or any of the employees fail to comply with any of the ordinances of the City or states of the state pertaining to the possession, transfer, sale, or distribution of any alcoholic beverages.
  - D. The owner, manager, lessee, or any of the employees

is convicted of any ordinance or state statute violation arising within the business establishment to which the license was granted under this chapter.

E. The premises do not comply with the health, safety, and building regulations of the City and state.

F. If the licensed business is located in a residential district, the applicable provisions of the City of Hastings Code relative to home occupations shall be complied with; failure to comply with the applicable regulations shall be grounds for revocation of the license.

2. Violation of any law or regulation relating to the building, safety, health or sanitation, shall be grounds for revocation of any license issued under this subdivision.

~~3. Only massage therapists who are licensed by the City shall practice therapeutic massage in the massage therapy establishment.~~

~~4. All massage therapy establishment licensees must comply with the provisions of this section now in effect, and as it may be amended from time to time. Failure to comply with the provisions of this section, shall be grounds for termination of any license.~~

~~M. No customers or patrons shall be allowed to enter the licensed premises after 12:01 a.m. and before 6:00 a.m. No customers or patrons shall be allowed to remain upon the licensed premises after 1:00 a.m. and before 6:00 a.m.~~

Subd. 8. Effective Date of Ordinance. This ordinance shall become effective after passage and seven days after publication in the legal newspaper. All persons or entities legally performing therapeutic massages in the City on the effective date of this ordinance, must comply with this ordinance no later than January 1, 1996. All other persons must comply with this ordinance once it becomes effective.

To Mayor Mike Werner, All City Councilmembers  
CC Dave Osberg Tom Montgomery

09/30/02

### **SIDEWALK/BAHLS DR.**

When the Oak Ridge Manor Nursing Home did their recent expansion, they constructed a sidewalk leading north, on the west side of Bahls Drive. The problem is the sidewalk was extended only to the end of the Oak Ridge Manor property line, a half-block short of the South Frontage Road corner.

All people using this sidewalk are forced to either walk through weeds or go into the street. This creates a safety hazard considering their ages and high traffic volumes on Bahls Drive, I am very concerned about the safety of the residents of Oak Ridge Manor under these undesirable conditions.

I would appreciate it if council and staff could visit this area to better understand the problem and then do what we can to construct the remaining portion of this sidewalk. I have no idea who owns this property but snow removal and maintenance will be very important to this sidewalk.

In the recent past, we approved the same thing concerning sidewalks. We added short extensions of sidewalk alongside the law offices on Westview Drive and on the east side of Westview to complete the extension from the South Frontage Road, to Hwy. 55.

One more bit of information for council. This area also qualifies for an additional street light. Tom has been working with me to get this done, and Xcel Energy has agreed to install one, but are reluctant to say when it will be installed. I would appreciate council support any way possible to impress Xcel Energy with the urgency for additional lighting in this area, as it is extremely dark at night because of the hills and woods.

Thanks very much and I will appreciate your help in making Bahls Dr. a safer street for our residents both young and old.

Ed Riveness---3<sup>rd</sup>. Ward.

*Dave, Please  
put into council  
packet.  
Thanks  
Ed*