

CITY OF HASTINGS

COUNCIL MEETING 7:00 P.M. DATE: **Monday**
September 16, 2002

I. CALL TO ORDER:

II. ROLL CALL:

III. DETERMINATION OF QUORUM:

IV. APPROVAL OF MINUTES:

Approval of Minutes for the Regular Meeting on September 03, 2002

V. COUNCIL ITEMS TO BE CONSIDERED:

VI. CONSENT AGENDA:

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

1. Pay Bills As Audited
2. Accept Gift of Sculpture & Approve Proposed Location on Public Square
3. Development Agreement: Pleasant Acres 1st Addition
4. Development Agreement: Century South 3rd Addition
5. Development Agreement: School House Square Development Plan
6. 1st Reading & Schedule Public Hearing—Vacation of Right-of-Way: Franklin Street (1st 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. 1st 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 7th Addition

VII. AWARDING OF CONTRACTS & PUBLIC HEARING:

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

VIII. REPORTS FROM CITY STAFF:

A. Public Works

B. Planning

1. 2nd Reading: Rezoning R-3 to C-1: Denn Property (1030 North Frontage Road)
2. Resolution—Final Plat: South Pines IV
3. Resolution—Variance: Shoreland: Husman-Woodford (629 East 2nd Street)
4. Resolution—Site Plan: Dakota County Administration Building Expansion
5. Resolution—Variance: Steinke (920 West 5th Street)
6. Resolution—Site Plan: Millard Avenue Inc (Quality One Woodwork Expansion)
7. Resolution—Approve Business Subsidy for Millard Avenue, Inc. (Quality One Woodwork)

C. Administration

1. South Pines/Marshan Township Orderly Annexation Agreement

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 7, 2002

Hastings, Minnesota
September 3, 2002

The City Council of the City of Hastings, Minnesota met in a regular meeting on Tuesday, September 3, 2002 at 7:00 p.m. in the City Hall Council Chambers, 101 4th Street East, Hastings, Minnesota

Members Present: Councilmembers Hazlet, Hicks, Moratzka, Riveness, Schultz, and 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;
Tom Montgomery, Public Works Director;
Dave Gurney, City Engineer;
Lori Webster, Finance Director

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of August 195, 2002. Hearing none, the minutes were approved as presented.

Council Items to be Considered

City Administrator Osberg requested that Item 2 under Administration, Annexation Petition and Marshan Township Orderly Annexation Agreement—South Pines, be removed from the agenda. He stated that it will be back on the agenda at the September 16 meeting.

Consent Agenda

Moved by Councilmember Hicks, seconded by Councilmember Riveness, to approve the Consent Agenda as presented.
6 Ayes; Nays, None. Councilmember Yandrasits absent.

Copy of resolutions on file.

1. Pay Bills As Audited
2. Resolution—Install All-Way STOP at the intersection of Pleasant Driver and Featherstone Road
3. First Reading and Schedule Public Hearing—Ordinance Annexation: Property Owned by Xcel Energy
4. First Reading and Schedule Public Hearing—Rezoning R-2 to C-1: Denn Property (1030 North Frontage Road)
5. Resolution—Final Plat: Century South 3rd Addition
6. Joint Powers Agreement with Dakota County—Household Hazardous Waste
- 7.

Award Contract—2002 Southwest Ponding Basin Trail

Moved by Councilmember Moratzka, seconded by Councilmember Riveness to award the contract to Pember Excavating in the amount of \$115,842.00.

6 Ayes; Nays, none. Councilmember Yandrasits absent.

Copy of resolution on file.

Award Contract—2002 General Sieben Drive & South Frontage Road Improvements

Moved by Councilmember Riveness, seconded by Councilmember Moratzka to award the contract to McNamara Contracting in the amount of \$1,900,000.00.

7 Ayes; Nays, none.

Copy of resolution on file.

Award Contract—Civic Arena Electric Engine Installation

Moved by Councilmember Hazlet, seconded by Councilmember Riveness to award the contract to Gartner Refrigeration in the amount of \$49,700.

7 Ayes; Nays, none.

Copy of resolution on file.

Award Contract—Altitude Valve & Vault Chamber

Moved by Councilmember Hazlet, seconded by Councilmember Schultz to award the contract to Northwestern Power in the amount of \$31,845.

7 Ayes; Nays, none.

Copy of resolution on file.

Public Hearing—Business Subsidy for Millard Avenue, Inc. (Quality One Woodworking)

Mayor Werner opened the public hearing at 7:05 p.m. HRA Director Grossman provided background information on the proposed business subsidy, noting that a site plan will also need to be approved.

Hearing no public comment, the public hearing was closed at 7:10 p.m.

Public Hearing—Vacation of Alley: 313 Clay Street

Mayor Werner opened the public hearing at 7:10 p.m. Planning Director Hinzman introduced the action.

Kurt Holme, owner of Lots 1 and 2 adjacent to the proposed vacation, opposed the vacation as he stated that he uses the alley as an access to his property.

Tim Volkner, 1160 East 3rd Street, stated that he does not support nor oppose the vacation until he knows where the alley is actually located. Hinzman stated that another survey of the property would need to be done to clarify any questions on the location of the alley, a practice that has not traditionally been done.

Hearing no further public comment, the public hearing was closed at 7:20 p.m.

Second Reading—Vacation of Alley: 313 Clay Street

Councilmember Yandrasits spoke in favor of the vacation, with an amendment to condition #2 to provide for resolution of driveway encroachment issues among homeowners.

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

7 Ayes; Nays, none.

Copy of resolution on file.

Public Hearing—Preliminary/Final Plat: Riverwood 7th Addition

Mayor Werner opened the public hearing at 7:29 p.m. Planning Director Hinzman introduced the action.

Dave Tuey, 1082 Regency Court, expressed concern over increased traffic and the lack of traffic signs.

Hearing no further public comment, the public hearing was closed at 7:34 p.m.

2nd Reading—Preliminary/Final Plat: Riverwood 7th Addition

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

7 Ayes; Nays, none.

Copy of resolution on file.

Joe DeZeller, Supervisor of the Guardian Angels Project, stood before the Council and commended City Staff for how good they were to work with throughout the project. Mr. DeZeller said that he was impressed with the quick turnaround the various departments, especially the Inspections and Code Enforcement Department, provided.

Public Hearing—Comprehensive Plan Amendment/Rezoning/Development Plan—School House Square

Mayor Werner opened the public hearing at 7:49 p.m.

Vince Teuber, 406 5th Street West, requested clarification on how access to Lot 7 would remain on the proposed project.

Hearing no further public comment, the public hearing was closed at 7:57 p.m.

2nd Reading—Comprehensive Plan Amendment/Rezoning/Development Plan—School House Square

Councilmember Yandrasits expressed concern over amending the comprehensive plan so soon after its approval. She also expressed concern that there is no upper limit on the proposed density in the zoning amendment. She questioned whether a limit could be placed.

Councilmember Moratzka stated that she would like the access to Lot 7 remain as previously agreed upon.

Moved by Councilmember Moratzka, seconded by Councilmember Hicks to approve the Comprehensive Plan Amendment as presented.

6 Ayes; Nays, one. Councilmember Yandrasits voting against.

Copy of resolution on file.

Moved by Councilmember Hicks, seconded by Councilmember Moratzka to approve the Rezoning as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

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

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Minor Subdivision/Lot Line Adjustment: 1439 & 1425 Liddle Lane

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

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Site Plan: Dakota County Juvenile Center Parking: 1560 Highway 55

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

7 Ayes; Nays, none.

Copy of resolution on file.

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

Resolution—Site Plan: Millard Avenue Inc. (Quality One Woodworking)

Following discussion over the proposed appearance of the building, Council requested more information on the item prior to further consideration.

Moved by Councilmember Moratzka, seconded by Councilmember Hazlet to table both items until appearance issues are further addressed.

7 Ayes; Nays, none.

Approve Plans and Specifications and Authorize Receipt of Bids for Council Chambers Audio/Visual Systems

Mayor Werner asked if the HPC has reviewed the plans, as City Hall is located in the historic preservation district.

Moved by Councilmember Moratzka, seconded by Councilmember Yandrasits to approve the plans and specifications as presented.

7 Ayes; Nays, none.

Resolution—Adopt 2003 Preliminary Tax Levy

Moved by Councilmember Hicks, seconded by Councilmember Moratzka to approve the preliminary levy as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Adopt 2003 HRA Preliminary Tax Levy

Moved by Councilmember Yandrasits, seconded by Councilmember Schultz to approve the HRA preliminary levy as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Adopt 2003 Preliminary City Budget

Moved by Councilmember Moratzka, seconded by Councilmember Hicks to approve the preliminary city budget as presented.

7 Ayes; Nays, none.

Copy of resolution on file.

Resolution—Set Budget Public Meeting Dates

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits to approve the setting budget public meeting dates for Monday, December 2, 2002.

7 Ayes; Nays, none.

Copy of resolution on file.

Adjournment

Moved by Councilmember Riveness, seconded by Councilmember Hicks to adjourn the meeting at 8:46 p.m.

7 Ayes; Nays, None.

Mayor

ATTEST

City Clerk

City of Hastings
 FM Entry - Invoice Payment - Department Report

Ranges: Fund: (A)
 Dept Id: (A)
 Program: (A)
 Vendor #: (A)
 Invoice #: (A)
 Schedule Journal #: (R) 4699 - 4699
 Bank #: (A)

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

Department	Vendor Name	Description	Amount
COUNCIL AND MAYOR	LEAGUE OF MN CITIES	MEMBERSHIP DUES	10,810.00
COUNCIL AND MAYOR	NINE EAGLES PROMOTIO	PUB WRKS OPEN HOUSE PROM	1,486.80
	Total for Department 102		12,296.80*
INISTRATION	AMERICAN PAYROLL ASS	PREPARING FOR YEAR END/	329.00
ADMINISTRATION	BOISE CASCADE OFFICE	FILES	119.19
ADMINISTRATION	BOISE CASCADE OFFICE	PAPER	106.29
ADMINISTRATION	BOISE CASCADE OFFICE	SUPPLIES	38.86
ADMINISTRATION	IKON OFFICE SOLUTION	STAPLES FOR COPIERS	175.73
ADMINISTRATION	NORTHSTAR CHAPTER A	APA FALL CONFERENCE	150.00
ADMINISTRATION	OSBERG, DAVID M.	LUNCH TOUR	18.37
	Total for Department 105		937.44*
CITY CLERK	ELECTION DATA DIRECT	4 VOTING BOOTHS	686.89
CITY CLERK	HASTINGS STAR GAZETT	ECON DEV COMM AP	15.20
CITY CLERK	HASTINGS STAR GAZETT	ORDINANCE #474	53.20
CITY CLERK	HASTINGS STAR GAZETT	RIVERDALE MINOR SUB	22.80
CITY CLERK	HASTINGS STAR GAZETT	RIVERWOOD 7TH	53.20
CITY CLERK	HASTINGS STAR GAZETT	SCHOOL HOUSE SQ	30.40
CITY CLERK	HASTINGS STAR GAZETT	VACATE ALLEY	22.80
CITY CLERK	MESKO LEE, MELANIE	ELECTION SUPPLIES	35.73
CITY CLERK	SCHROEDER, ADELINE	DINNER FOR ELECTION JUDG	15.07
CLERK	SCHROEDER, ADELINE	ELECTION SUPPLIES	29.65
	Total for Department 107		964.94*
FINANCE	BENSON, LYNNE M.	GFOA MEETING	66.20
FINANCE	HASTINGS AREA CHAMBE	JULY LODGING TAX	7,902.34
FINANCE	INCODER / CMS DIVISIO	SOFTWARE MAINT AGREEMENT	10,101.44
FINANCE	STARK, CHARLENE	GFOA TRAINING	129.96
FINANCE	WEBSTER, LORI A.	GFOA MEETINGS	47.69
	Total for Department 120		18,247.63*
MAINTENANCE	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	13.58
	Total for Department 140		13.58*
PLANNING	HINZMAN JOHN	MNAPA CONFERENCE	232.00
	Total for Department 150		232.00*
M.I.S.	NETVERSANT MPLS/ST P	GOPHER ONE LOCATION FOR	200.00
	Total for Department 160		200.00*

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
POLICE	AT & T WIRELESS	MDT SITE LEASE	355.00
POLICE	BIRCHEN ENTERPRISES	REPAIRS	2,025.06
POLICE	CAPITOL COMMUNICATIO	REPAIR RADIO	380.00
POLICE	CHIEF SUPPLY	FLASHLIGHTS / RESERVE UN	528.63
POLICE	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	1,625.27
POLICE	EVANS, LARRY	SAFETY BOOTS	160.65
POLICE	JAYCOR TACTICAL SYST	PEPPER BALL TRAINING PEL	410.53
POLICE	MN CRIME PREVENT. AS	CRIME PREVENTION CONF/HI	250.00
POLICE	NEXTEL COMMUNICATION	CELL PHONE	785.92
POLICE	NEXTEL COMMUNICATION	CELL PHONE BILL	57.80
POLICE	O'BRIEN, JOE CHEVROL	REPAIR SQUAD 1428	267.38
POLICE	ARCH WIRELESS	PAGER LEASE	354.78
POLICE	REGINA MEDICAL CENTE	LAB WORK	95.50
POLICE	TERRY'S ACE HARDWARE	KEYS	12.72
POLICE	TOP DOG INC.	SEPT ANIMAL CONTROL	1,300.00
POLICE	UNITED RENTALS/ HIGH	CONES	339.74
POLICE	WEID CHRIS	SAFETY BOOTS	106.49
	Total for Department 201		9,055.47*
BUILDING AND INSPECT	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	114.27
BUILDING AND INSPECT	DOWNTOWN TIRE & AUTO	VEHICLE REPAIR	114.02
BUILDING AND INSPECT	GRAPHIC DESIGN	FORMS: PROP MAINT/VIOLAT	1,009.62
BUILDING AND INSPECT	GRAPHIC DESIGN	JONES BUSINESS CARDS	53.25
BUILDING AND INSPECT	MESAROS, WILLIAM	EDUCATION REIMB / ICBO	289.91
BUILDING AND INSPECT	MAHCO	FALL CONFERENCE / MARSHA	75.00
BUILDING AND INSPECT	TERRY'S ACE HARDWARE	OFFICE SUPPLIES	39.33
	Total for Department 230		1,695.40*
PUBLIC WORKS	ARROW BUILDING CENTE	SHEETROCK	14.53
PUBLIC WORKS	ASPEN EQUIPMENT CO	RESHARPEN BLADES	37.00
PUBLIC WORKS	BOLTON & MENK INC	FINAL GRADE SURVEYS	6,000.00
PUBLIC WORKS	BOLTON & MENK INC	GIS ANALYSIS	576.00
PUBLIC WORKS	BRAUN INTERTEC	RIVERDALE	590.25
PUBLIC WORKS	COMMERCIAL ASPHALT C	2.10 TONS & TACK OIL	88.18
PUBLIC WORKS	CONTINENTAL SAFETY	STAND / SIGN	201.77
PUBLIC WORKS	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	1,534.48
PUBLIC WORKS	DAKOTA COUNTY RECORD	APPURTENANCES	170.00
PUBLIC WORKS	DAKOTA ELECTRIC ASSN	ELECTRIC SERVICE	1,882.95
PUBLIC WORKS	GREENIMAGE	INNER TUBE	17.21
PUBLIC WORKS	GREENIMAGE	OIL	12.45
PUBLIC WORKS	GURNEY, DAVID	PUBLIC WORKS MTG / ROLLS	12.78
PUBLIC WORKS	LEAGUE OF MN CITIES	TRAINING / CHAINSAW	70.00
PUBLIC WORKS	M/A ASSOC-DIAMOND GL	CAN LINERS	80.29
PUBLIC WORKS	MACQUEEN EQUIPMENT,	PELICAN / BROOM	692.25
PUBLIC WORKS	MINNESOTA BLUEPRINT	PAPER	65.85
PUBLIC WORKS	MOTOR PARTS SERVICE	CLEANER	9.09
PUBLIC WORKS	MOTOR PARTS SERVICE	FILTERS	68.53
PUBLIC WORKS	MOTOR PARTS SERVICE	HAND CLEANER	42.82
PUBLIC WORKS	MOTOR PARTS SERVICE	LAMP	5.10
PUBLIC WORKS	NEXTEL COMMUNICATION	CELL PHONE	379.97

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	NORTHSTAR REPRO PROD	PAPER	57.00
PUBLIC WORKS	NORTHSTAR IMAGING SE	PAPER	8.63
PUBLIC WORKS	O'BRIEN, JOE CHEVROL	ROTORS / LINING KIT	395.68
PUBLIC WORKS	PAGE, GREG	SAFETY BOOTS	56.99
PUBLIC WORKS	PRAXAIR DISTRIBUTION	GLOVES / BALLOONS/ CYLIN	54.98
PUBLIC WORKS	RADKE ELECTRIC	BULB REPLACEMENT	125.00
PUBLIC WORKS	REIS, INC	PAINT / ROLLERS	12.97
PUBLIC WORKS	REIS, INC	PAINT PADS	4.74
PUBLIC WORKS	REIS, INC	SPEED PAINTER	7.87
PUBLIC WORKS	SCHARBER & SONS, INC	BLADES / NUTS	215.20
PUBLIC WORKS	SEH ENGINEERS	GIS PROJECTS	37.00
PUBLIC WORKS	UNITED RENTALS/ HIGH	CONES	277.70
PUBLIC WORKS	WAHLSTROM MASONRY	SIDEWALK COSTS/120 E 7TH	1,853.50
PUBLIC WORKS	ZEE MEDICAL SERVICES	SAFETY SUPPLIES	109.43
	Total for Department 300		15,768.19*
PARKS AND RECREATION	FIRST NAT'L BANK	RE LOAN 0320243279	1,527.35
PARKS AND RECREATION	S & S TREE SERVICE	TREE REMOVAL	2,186.98
	Total for Department 401		3,714.33*
	Total for Fund 101		63,125.78*
PARKS AND RECREATION	COMARK GOVERNMENT &	COMPUTER MONITOR	161.49
PARKS AND RECREATION	DOERER'S GENUINE PAR	TIRE MOUNTING LUBE	12.77
PARKS AND RECREATION	MCNAMARA, MARTY	CAKE FOR GARDEN CLUB RE:	29.75
PARKS AND RECREATION	MOTOR PARTS SERVICE	FILTER / CLEANER	42.18
PARKS AND RECREATION	MTI DISTRIBUTING COM	BELT	167.58
PARKS AND RECREATION	MTI DISTRIBUTING COM	SEAL KIT	37.90
PARKS AND RECREATION	NIEBUR OIL CO INC	DIESEL FUEL	676.70
PARKS AND RECREATION	REIS, INC	NAILS	1.68
PARKS AND RECREATION	REIS, INC	PAINT ROLLERS	6.79
PARKS AND RECREATION	RENT 'N' SAVE PORTAB	RENTALS	299.08
PARKS AND RECREATION	SHERWIN-WILLIAMS	PAINT	95.59
PARKS AND RECREATION	SHERWIN-WILLIAMS	PAINT CREDIT	-57.36
PARKS AND RECREATION	TERRY'S ACE HARDWARE	BULB	6.91
PARKS AND RECREATION	TERRY'S ACE HARDWARE	BULB / NAILS	11.17
PARKS AND RECREATION	TERRY'S ACE HARDWARE	FUSES	1.86
PARKS AND RECREATION	TERRY'S ACE HARDWARE	KEY SILLCOCK	7.01
PARKS AND RECREATION	TERRY'S ACE HARDWARE	LEVEL	24.48
PARKS AND RECREATION	TERRY'S ACE HARDWARE	PAINT / SCRAPER	93.10
PARKS AND RECREATION	TERRY'S ACE HARDWARE	PHOTOCELL	9.04
PARKS AND RECREATION	TERRY'S ACE HARDWARE	ROLLER / PAINT	97.38
PARKS AND RECREATION	TERRY'S ACE HARDWARE	SCREW / NUT	2.64
PARKS AND RECREATION	UNITED BUILDING CENT	BOARD	6.66
PARKS AND RECREATION	UNITED BUILDING CENT	PLYWOOD	25.72
PARKS AND RECREATION	VECTOR INTERNET SERV	MAILBOX	34.95
PARKS AND RECREATION	WERNER IMPLEMENT CO	HOSE	174.54
	Total for Department 401		1,969.61*
	Total for Fund 200		1,969.61*

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	FIRST LINE BEVERAGES	CONCESSION FOOD SUPPLIES	1,048.83
PARKS AND RECREATION	JOHNSON, DARBIE A.D	SEALANT FOR SLIDES	45.62
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE	59.86
PARKS AND RECREATION	TERRY'S ACE HARDWARE	CLEANER / TAPE	25.53
PARKS AND RECREATION	TERRY'S ACE HARDWARE	SUPPLIES	28.37
	Total for Department 401		1,208.21*
	Total for Fund 201		1,208.21*
HERITAGE PRESERVATIO	BOISE CASCADE OFFICE	PAPER/PIONEER ROOM	42.49
	Total for Department 170		42.49*
	Total for Fund 210		42.49*
FIRE	COUNTY MARKET	SUPPLIES	45.43
FIRE	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	443.62
FIRE	GRAPHIC DESIGN	ENVELOPES	42.60
FIRE	METRO FIRE, INC.	HOSE FITTINGS	814.33
FIRE	MOTOR PARTS SERVICE	REPAIR PARTS	32.54
FIRE	TARGET	SUPPLIES	19.03
FIRE	TERRY'S ACE HARDWARE	SUPPLIES	79.75
	Total for Department 210		1,477.30*
AMBULANCE	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	205.00
AMBULANCE	DAKOTA COUNTY PUBLIC	BMS ALS EDUCATION/SYS DE	3,356.00
AMBULANCE	GREEN PATRICK T	REFUND/ CALL 20020445	587.28
AMBULANCE	PHYSICIANS MUTUAL IN	REFUND/C ELLIOTT #200205	53.99
AMBULANCE	PRAXAIR DISTRIBUTION	OXYGEN	227.14
AMBULANCE	VECTOR INTERNET SERV	INTERNET SERVICE	79.95
AMBULANCE	WPS - MEDICARE	REFUND/C ELLIOTT/ CALL 2	215.92
	Total for Department 220		4,725.28*
	Total for Fund 213		6,202.58*
PARKS AND RECREATION	LOCUS ARCHITECTURE,L	DISPLAY BOARDS FOR INTER	389.76
	Total for Department 401		389.76*
	Total for Fund 401		389.76*
HOUSING AND REDEVELO	BRADLEY & DEIKE PA	BAILLY'S JULY	25.00
	Total for Department 500		25.00*
	Total for Fund 402		25.00*
EQUIPMENT REVOLVING	COMPAQ COMPUTER CORP	REPLACEMENT SERVER/FINAN	4,005.47
EQUIPMENT REVOLVING	TKDA ENGINEERS	FIBER OPTIC CABLE	3,301.97
	Total for Department 800		7,307.44*
	Total for Fund 403		7,307.44*

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
HOUSING AND REDEVELO	HOISINGTON KOEGLER G	LCDA PLAN	1,557.76
		Total for Department 500	1,557.76*
		Total for Fund 404	1,557.76*
ECONOMIC DEVELOPMENT	HASTINGS STAR GAZETT	PUBLIC HEARING NOTICE	30.40
ECONOMIC DEVELOPMENT	JOHNSTON CULVERT CO.	CULVERT/ IP USE	1,933.19
ECONOMIC DEVELOPMENT	MN HISTORICAL SOCIET	REGISTRATION/ 2 CONFEREN	80.00
		Total for Department 180	2,043.59*
		Total for Fund 407	2,043.59*
PUBLIC WORKS	DAKOTA COUNTY TREASU	COUNTY ROAD 42	1,101,274.42
		Total for Department 300	1,101,274.42*
		Total for Fund 420	1,101,274.42*
PUBLIC WORKS	BOLTON & MENK INC	GRETEN UTIL EXT	244.00
PUBLIC WORKS	BOLTON & MENK INC	LOCK & DAM	1,952.50
PUBLIC WORKS	BRAUN INTERTEC	LOCK DAM ROAD	82.00
PUBLIC WORKS	DAKOTA COUNTY RECORD	ROW MAP #3	30.00
PUBLIC WORKS	HOISINGTON KOEGLER G	LOCK & DAM ROAD	587.01
		Total for Department 300	2,895.51*
		Total for Fund 491	2,895.51*
PUBLIC WORKS	BOLTON & MENK INC	2002 TRAIL IMPROVEMENTS	23,257.02
PUBLIC WORKS	BOLTON & MENK INC	GEN SIEBEN RR: CONST	34,276.71
PUBLIC WORKS	BOLTON & MENK INC	IND PARK	1,365.50
PUBLIC WORKS	BOLTON & MENK INC	SOUTHVIEW DR GOLF COURSE	214.45
PUBLIC WORKS	BRAUN INTERTEC	EDDY STREET	1,070.50
PUBLIC WORKS	BRAUN INTERTEC	SOUTHVIEW DR	1,193.00
PUBLIC WORKS	MIKISKA, BRAD	DELIVERY OF PLANS	40.88
PUBLIC WORKS	RLK KUUSISTO LTD	DESIGN FEES	26,748.24
PUBLIC WORKS	RLK KUUSISTO LTD	TRAFFIC SIGNAL DESIGN	2,477.50
PUBLIC WORKS	SEH ENGINEERS	10TH ST / HWY 61	2,797.42
PUBLIC WORKS	SEH ENGINEERS	SIGNAL REVISION	3,777.56
PUBLIC WORKS	SEH ENGINEERS	TRAFFIC STUDY MKTPLACE W	356.80
PUBLIC WORKS	THREE RIVERS CONSTRU	2002 CONSTRUCTION PROGRA	441,101.96
PUBLIC WORKS	UNITED PARCEL SERVIC	GS DR SHIPPING TO PLANHO	34.02
		Total for Department 300	538,711.56*
		Total for Fund 492	538,711.56*
PUBLIC WORKS	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	611.25
PUBLIC WORKS	HACH COMPANY	FLOURIDE VIALS	156.56
PUBLIC WORKS	MINNCOMM PAGING	PAGER SERVICES	18.16
PUBLIC WORKS	TERRY'S ACE HARDWARE	BAL VALVE / ADAPTER	9.77
PUBLIC WORKS	TERRY'S ACE HARDWARE	CABLE TIES	34.07
PUBLIC WORKS	TERRY'S ACE HARDWARE	CLEANER	6.17

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	TERRY'S ACE HARDWARE	ELBOWS	5.31
PUBLIC WORKS	TERRY'S ACE HARDWARE	GLUE	2.86
PUBLIC WORKS	TERRY'S ACE HARDWARE	KEY HIDERS / SCREWDRIVER	8.91
PUBLIC WORKS	TERRY'S ACE HARDWARE	LOCKS	126.39
PUBLIC WORKS	TERRY'S ACE HARDWARE	SCREW / STRAP	5.73
PUBLIC WORKS	TERRY'S ACE HARDWARE	TAPE	5.14
PUBLIC WORKS	TWIN CITY WATER CLIN	WATER ANALYSIS 8/2	160.00
		Total for Department 300	1,150.32*
		Total for Fund 600	1,150.32*
PUBLIC WORKS	MOTOR PARTS SERVICE	BULB	18.49
PUBLIC WORKS	MOTOR PARTS SERVICE	FLASHERS	62.22
PUBLIC WORKS	TERRY'S ACE HARDWARE	BIT	2.12
		Total for Department 300	82.83*
		Total for Fund 601	82.83*
CITY CLERK	DAKOTA CNTY TREAS-AU	DAKOTA CO FUEL AUG CHGS	839.78
CITY CLERK	SOGGIORNO, SHIRLEY	REIMBURSE CDL PORTION DR	11.00
		Total for Department 107	850.78*
		Total for Fund 610	850.78*
PARKS AND RECREATION	ALBERS MECHANICAL CO	SERVICE RPZ VALVES	625.82
PARKS AND RECREATION	BECKER ARENA	PRODUCT RINK GATE LATCH	163.30
PARKS AND RECREATION	DOERER'S GENUINE PAR	BATTERY	85.15
PARKS AND RECREATION	DOERER'S GENUINE PAR	OIL SEALS	29.35
PARKS AND RECREATION	PARK SUPPLY, INC.	MOTOR	618.30
PARKS AND RECREATION	PARK SUPPLY, INC.	RUBBER GEAR INSERT	14.73
PARKS AND RECREATION	PIRE JEREMY	MIAMA CONFERENCE	131.40
PARKS AND RECREATION	TERRY'S ACE HARDWARE	600' ROPE	28.76
PARKS AND RECREATION	TERRY'S ACE HARDWARE	AIR ATTACHMENT	6.17
PARKS AND RECREATION	TERRY'S ACE HARDWARE	BOLTS / LIGHT BULBS	7.46
PARKS AND RECREATION	TERRY'S ACE HARDWARE	CLAMP / DRILL BITES	5.72
PARKS AND RECREATION	TERRY'S ACE HARDWARE	CONCRETE PATCH	9.11
PARKS AND RECREATION	TERRY'S ACE HARDWARE	EPOXY GLUE	8.18
PARKS AND RECREATION	TERRY'S ACE HARDWARE	FASTENERS / CLAMP	8.85
PARKS AND RECREATION	TERRY'S ACE HARDWARE	PLIERS	19.69
PARKS AND RECREATION	TERRY'S ACE HARDWARE	RUBBER STOPS	.26
PARKS AND RECREATION	TERRY'S ACE HARDWARE	SUPPLIES	21.11
		Total for Department 401	1,783.36*
		Total for Fund 615	1,783.36*
PUBLIC WORKS	BRAUN INTERTEC	HYDRO PLANT	101.25
PUBLIC WORKS	GLENWOOD INGLEWOOD C	WATER COOLER RENTAL	68.59
PUBLIC WORKS	MOTOR PARTS SERVICE	HEAT GUN / GASKETS	32.62
PUBLIC WORKS	PORTABLE BARGE SERVI	BARGE/ CRANE RENTAL	19,661.63
PUBLIC WORKS	SPAULDING CONSULTANT	INSPECTION	3,889.00

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PUBLIC WORKS	TECHNICAL COATINGS I	COATING DRAFT TUBE & RUN	19,000.00
PUBLIC WORKS	TERRY'S ACE HARDWARE	ADAPTERS	7.10
PUBLIC WORKS	TERRY'S ACE HARDWARE	CLEANERS	7.43
PUBLIC WORKS	TERRY'S ACE HARDWARE	MOPSTICKS	21.28
PUBLIC WORKS	TERRY'S ACE HARDWARE	SCREW DRILLS	72.68
PUBLIC WORKS	TERRY'S ACE HARDWARE	TOWELS/ POLY FILM	29.55
PUBLIC WORKS	WASTE MANAGEMENT	ROLL-OFF RENTAL'	58.50
		Total for Department 300	42,949.63*
		Total for Fund 620	42,949.63*
		Grand Total	1,773,570.63*

September 16, 2002

APPROVED:

City Administrator

Finance Director

Councilmember Hazlet

Councilmember Riveness

Councilmember Schultz

Councilmember Moratzka

Councilmember Hicks

Councilmember Yandrasits

Mayor Werner

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

Memo

To: City Council
From: Becky Kline
Finance Department
Date: 09/10/2002

The attached Department Report itemizes vouchers that were paid on September 10, 2002.

Thank you.

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
	ACI ASPHALT CONTRACT	REFUND OVERPAYMENT PLANS	100.00
	DELTA DENTAL PLAN OF	SEPT INSURANCE	1,830.85
	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	1,049.59
	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	1,049.59
	Total for Department 000		4,030.03*
COUNCIL AND MAYOR	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	50.63
COUNCIL AND MAYOR	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	50.63
	Total for Department 102		101.26*
ADMINISTRATION	AT&T	LONG DISTANCE CHARGES	23.20
ADMINISTRATION	FORTIS BENEFITS INS	SEPT LTD PREMIUM	49.90
ADMINISTRATION	IKON OFFICE SOLUTION	CONTRACT COPIES	636.40
ADMINISTRATION	MATT PARROTT & SONS	PAYROLL CHECKS	355.20
ADMINISTRATION	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	18.75
ADMINISTRATION	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	18.75
ADMINISTRATION	SPRINT	MONTHLY TELEPHONE	1,099.17
	Total for Department 105		2,201.37*
CITY CLERK	BOISE CASCADE OFFICE	ELECTION SUPPLIES	428.32
CITY CLERK	CUSTOM PIN & DESIGN	LAPEL PINS / FLAG	25.00
CITY CLERK	FORTIS BENEFITS INS	SEPT LTD PREMIUM	11.42
CITY CLERK	HASTINGS STAR GAZETT	TESTING ACCURACY VOTING	28.20
CITY CLERK	HASTINGS STAR GAZETT	VARIANCE / LEHTOLA	30.40
CITY CLERK	HASTINGS STAR GAZETT	VARIANCE/HUSMAN-WOODFORD	30.40
CITY CLERK	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	4.95
CITY CLERK	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	4.95
	Total for Department 107		563.64*
FINANCE	FORTIS BENEFITS INS	SEPT LTD PREMIUM	71.65
FINANCE	MN SOCIETY OF CPA'S	AUDIT LOCAL GOVT CONFERE	195.00
FINANCE	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	30.00
FINANCE	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	30.00
	Total for Department 120		326.65*
MAINTENANCE	DAKOTA ELECTRIC ASSN	MONTHLY ELECTRICITY	16.95
MAINTENANCE	FORTIS BENEFITS INS	SEPT LTD PREMIUM	13.46
MAINTENANCE	GENERAL OFFICE PRODU	DESK END PANEL	250.28
MAINTENANCE	HILTON FIRE-BRICK SE	RELIN 2 BOILER DOORS	659.60
MAINTENANCE	LIFEWORCS SERVICES I	AUG SERVICES	299.09
MAINTENANCE	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	7.50
MAINTENANCE	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	7.50
	Total for Department 140		1,254.38*
PLANNING	COMARK GOVERNMENT &	WINDOWS 2000/2 COPIES	409.90
PLANNING	FORTIS BENEFITS INS	SEPT LTD PREMIUM	32.49
PLANNING	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	14.63
PLANNING	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	14.63
	Total for Department 150		471.65*
M.I.S.	FORTIS BENEFITS INS	SEPT LTD PREMIUM	19.77

City of Hastings
 FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
M.I.S.	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	7.50
M.I.S.	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	7.50
	Total for Department 160		34.77*
POLICE	AT&T	LONG DISTANCE CHARGES	184.05
POLICE	COMARK GOVERNMENT &	COMPUTER SPEAKER SYSTEM	23.13
POLICE	EXECUTRAIN	TRAINING / COFER	199.00
POLICE	FORTIS BENEFITS INS	SEPT LTD PREMIUM	458.14
POLICE	IKON OFFICE SOLUTION	CONTRACT COPIES	106.67
POLICE	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	209.99
POLICE	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	209.99
POLICE	MN DEPT OF ADMINISTR	USAGE FEE	37.00
POLICE	RIVERTOWN EYE CLINIC	SAFETY GLASSES / MCMENOM	224.00
POLICE	SPRINT	MONTHLY TELEPHONE	1,603.60
ICE	VERIZON WIRELESS, BE	CELL PHONE SERVICE	56.76
	Total for Department 201		3,312.33*
BUILDING AND INSPECT	EDP COMPUTER SYSTEMS	COMPUTER EQUIPMENT UPGRA	971.28
BUILDING AND INSPECT	FORTIS BENEFITS INS	SEPT LTD PREMIUM	72.46
BUILDING AND INSPECT	LAKE COUNTRY CHAPTER	ICBO EDUCATION SEMINAR/T	100.00
BUILDING AND INSPECT	MN STATE TREAS	FALL BUILDING CODE SEMIN	210.00
BUILDING AND INSPECT	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	37.50
BUILDING AND INSPECT	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	37.50
BUILDING AND INSPECT	NEXTEL COMMUNICATION	CELL PHONE SERVICE	132.16
	Total for Department 230		1,560.90*
PUBLIC WORKS	ADVANCED EYE CARE CE	SAFETY GLASSES	157.33
PUBLIC WORKS	AT&T	LONG DISTANCE CHARGES	22.16
PUBLIC WORKS	BAHLS SERVICE	HOSE PARTS	19.79
PUBLIC WORKS	DEERFIELD ADVERTISIN	CLOTHING / ORMAN	234.94
PUBLIC WORKS	FORTIS BENEFITS INS	SEPT LTD PREMIUM	205.31
PUBLIC WORKS	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	108.50
LIC WORKS	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	108.50
PUBLIC WORKS	SPRINT	MONTHLY TELEPHONE	268.33
	Total for Department 300		1,124.86*
PARKS AND RECREATION	FORTIS BENEFITS INS	SEPT LTD PREMIUM	6.97
PARKS AND RECREATION	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	3.75
PARKS AND RECREATION	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	3.75
	Total for Department 401		14.47*
	Total for Fund 101		14,996.31*
PARKS AND RECREATION	AT&T	LONG DISTANCE CHARGES	.42
PARKS AND RECREATION	BOUND TREE/NORTH AME	ICE PACKS	22.11
PARKS AND RECREATION	CARLSON TRACTOR & EQ	CYLINDER	568.88
PARKS AND RECREATION	DOERER'S GENUINE PAR	BATTERY	32.95
PARKS AND RECREATION	DOERER'S GENUINE PAR	CLEANER	25.35
PARKS AND RECREATION	DOERER'S GENUINE PAR	CONNECTOR	1.01
PARKS AND RECREATION	DOERER'S GENUINE PAR	FUSES	10.85

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
PARKS AND RECREATION	FORTIS BENEFITS INS	SEPT LTD PREMIUM	95.53
PARKS AND RECREATION	GERLACH SERVICE, INC.	CABLE / FLYWHEEL	13.25
PARKS AND RECREATION	GERLACH SERVICE, INC.	CABLE / MUFFLER	69.03
PARKS AND RECREATION	GERLACH SERVICE, INC.	CONTROL / THROTTLE	4.33
PARKS AND RECREATION	IKON OFFICE SOLUTION	CONTRACT COPIES	1.35
PARKS AND RECREATION	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	48.75
PARKS AND RECREATION	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	48.75
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE SERVICE	272.68
PARKS AND RECREATION	SPRINT	MONTHLY TELEPHONE	57.17
	Total for Department 401		1,272.41*
	Total for Fund 200		1,272.41*
PARKS AND RECREATION	AQUA LOGIC, INC.	MURIATIC ACID	100.46
PARKS AND RECREATION	EMILY'S	BUNS	15.60
PARKS AND RECREATION	FORTIS BENEFITS INS	SEPT LTD PREMIUM	16.69
PARKS AND RECREATION	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	10.28
PARKS AND RECREATION	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	10.28
PARKS AND RECREATION	NEXTEL COMMUNICATION	CELL PHONE	42.86
PARKS AND RECREATION	SHERWIN-WILLIAMS	PAINT / SHARK GRIP FOR F	299.27
	Total for Department 401		495.44*
	Total for Fund 201		495.44*
HERITAGE PRESERVATIO	EDP COMPUTER SYSTEMS	COMPUTER EQUIPMENT UPGRA	998.97
HERITAGE PRESERVATIO	IKON OFFICE SOLUTION	CONTRACT COPIES	19.98
HERITAGE PRESERVATIO	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	.75
HERITAGE PRESERVATIO	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	.75
	Total for Department 170		1,020.45*
	Total for Fund 210		1,020.45*
FIRE	ALEX AIR APPARATUS I	BREATHING AIR FILTERS	156.56
FIRE	ALEX AIR APPARATUS I	FIREFIGHTER TURNOUT GEAR	7,357.79
FIRE	AT&T	LONG DISTANCE CHARGES	55.89
FIRE	FORTIS BENEFITS INS	SEPT LTD PREMIUM	168.43
FIRE	GERRY'S FIRE PROTECT	SCBA CYLINDER HYDRO	31.70
FIRE	IKON OFFICE SOLUTION	CONTRACT COPIES	56.49
FIRE	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	97.50
FIRE	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	97.50
FIRE	PRENTICE HALL, INC.	EMT BOOKS	651.45
FIRE	SPRINT	MONTHLY TELEPHONE	490.60
FIRE	TARGET	BATTERY	12.76
FIRE	VERIZON WIRELESS, BE	CELL PHONE	130.27
FIRE	WALMART COMMUNITY BR	GENL SUPPLIES	194.50
FIRE	WHITWATER WIRELESS,	RADIO REPAIRS	60.90
	Total for Department 210		9,562.34*
AMBULANCE	WALMART COMMUNITY BR	AMBULANCE SUPPLIES	47.41
	Total for Department 220		47.41*

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 213			9,609.75*
EQUIPMENT REVOLVING	EDP COMPUTER SYSTEMS	COMPUTER EQUIPMENT UPGRA	3,885.12
Total for Department 800			3,885.12*
Total for Fund 403			3,885.12*
HOUSING AND REDEVELO	FORTIS BENEFITS INS	SEPT LTD PREMIUM	11.99
HOUSING AND REDEVELO	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	7.13
HOUSING AND REDEVELO	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	7.13
Total for Department 500			26.25*
Total for Fund 404			26.25*
ECONOMIC DEVELOPMENT	FORTIS BENEFITS INS	SEPT LTD PREMIUM	13.82
ECONOMIC DEVELOPMENT	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	1.50
ECONOMIC DEVELOPMENT	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	1.50
Total for Department 180			16.82*
Total for Fund 407			16.82*
PUBLIC WORKS	AT&T	LONG DISTANCE CHARGES	22.17
PUBLIC WORKS	DAKOTA ELECTRIC ASSN	MONTHLY ELECTRICITY	28.37
PUBLIC WORKS	FORTIS BENEFITS INS	SEPT LTD PREMIUM	104.78
PUBLIC WORKS	IKON OFFICE SOLUTION	CONTRACT COPIES	15.20
PUBLIC WORKS	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	50.00
PUBLIC WORKS	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	50.00
PUBLIC WORKS	NEXTEL COMMUNICATION	WIRELESS CHARGES	528.01
PUBLIC WORKS	SPRINT	MONTHLY TELEPHONE	268.33
PUBLIC WORKS	VECTOR INTERNET SERV	INTERNET SERVICES	39.95
Total for Department 300			1,106.81*
Total for Fund 600			1,106.81*
PUBLIC WORKS	DAKOTA ELECTRIC ASSN	MONTHLY ELECTRICITY	24.04
PUBLIC WORKS	FORTIS BENEFITS INS	SEPT LTD PREMIUM	43.50
PUBLIC WORKS	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	20.00
PUBLIC WORKS	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	20.00
Total for Department 300			107.54*
Total for Fund 601			107.54*
CITY CLERK	AT&T	LONG DISTANCE CHARGES	3.17
CITY CLERK	FORTIS BENEFITS INS	SEPT LTD PREMIUM	34.96
CITY CLERK	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	21.30
CITY CLERK	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	21.30
CITY CLERK	NINE EAGLES PROMOTIO	MAGNETS/PW OPEN HOUSE	302.75
CITY CLERK	SPRINT	MONTHLY TELEPHONE	53.57
Total for Department 107			437.05*

City of Hastings
FM Entry - Invoice Payment - Department Report

Department	Vendor Name	Description	Amount
Total for Fund 610			437.05*
PARKS AND RECREATION AT&T		LONG DISTANCE CHARGES	8.19
PARKS AND RECREATION FORTIS BENEFITS INS		SEPT LTD PREMIUM	49.68
PARKS AND RECREATION MINNESOTA MUTUAL		AUG LIFE INS PREMIUM	19.73
PARKS AND RECREATION MINNESOTA MUTUAL		SEPT LIFE INS PREMIUM	19.73
PARKS AND RECREATION NEXTEL COMMUNICATION		CELL PHONE	87.55
PARKS AND RECREATION SPRINT		MONTHLY TELEPHONE	165.99
Total for Department 401			350.87*
Total for Fund 615			350.87*
PUBLIC WORKS	AT&T	LONG DISTANCE CHARGES	17.27
PUBLIC WORKS	COLT ELECTRIC INC.	ELECTRICAL WORK	2,380.70
PUBLIC WORKS	CONTINENTAL SAFETY	SAFETY LANYARDS	197.82
PUBLIC WORKS	COUNTRY INN & SUITES	LODGING ALTENHOFEN	144.16
PUBLIC WORKS	COUNTRY INN & SUITES	LODGING HARRIS	144.16
PUBLIC WORKS	FORTIS BENEFITS INS	SEPT LTD PREMIUM	13.75
PUBLIC WORKS	GRAINGER, W.W. INC.	PUMP	949.88
PUBLIC WORKS	LOVEGREEN TURBINE SE	GEAR BOX INSPECTION	16,813.55
PUBLIC WORKS	MCMASTER-CARR SUPPLY	FLOW INDICATORS	158.17
PUBLIC WORKS	MINNESOTA MUTUAL	AUG LIFE INS PREMIUM	7.48
PUBLIC WORKS	MINNESOTA MUTUAL	SEPT LIFE INS PREMIUM	7.48
PUBLIC WORKS	PARSONS	TRANSFORMER REPAIR	467.34
PUBLIC WORKS	PRECISION COATINGS I	SHAFT SEAL	1,300.00
PUBLIC WORKS	SPRINT	MONTHLY TELEPHONE	589.78
Total for Department 300			23,191.54*
Total for Fund 620			23,191.54*
Grand Total			56,516.36*

September 11, 2002

TO: The Honorable Mayor and City Council

FROM: John Grossman, HRA Director

RE: Gift of sculpture to City for Public Square

Hazel Jacobsen-Theel offers an outdoor sculpture by Paris Pasch to the City for installation on Public Square. The enclosed memo from Ruth Anderson, Chair of the City Art Committee, the drawings by Mr. Pasch, the location map, and the minutes of the Art Committee Meeting describe the gift and location. The work will be about 8 feet tall and the base about 10 feet in diameter.

The Art Committee voted to recommend that City Council accept this gift, and authorize its location on Public Square with an appropriate plaque described the work, and naming the artist and the donor.

A committee of the Heritage Preservation Commission met with Mr. Pasch and members of the Art Committee September 10th. They selected the proposed location shown on the map. The committee will report to the full HPC on September 17th.

Mrs. Jacobsen-Theel will provide the City \$1,200 of an estimated \$1,600 needed for an appropriate base. The additional amount needed will be raised by the Art Committee. Mr. Pasch will supervise the installation. The installation will be coordinated with the City Facilities Maintenance Director to protect the irrigation system.

RECOMMENDED ACTION: Authorize a letter from the Mayor to Mrs. Jacobsen-Theel accepting the gift of the Paris Pasch sculpture with the thanks of the City, and authorizing its installation on Public Square.

September 9, 2002

To: City Council
Heritage Preservation Committee

From: Ruth Anderson
Curator, Fine Arts Collection
Co-Chair, Committee for the Arts

Re: Permanent Outdoor Sculpture

In recent years significant gifts from art collectors and artists have formed the City's permanent fine arts collection. The Committee for the Arts was established in 1995 and renewed interest in plans for including sculpture in the collection. The concept of an outdoor sculpture celebrating the City's history originated 30 years ago but has not been realized until this time.

The Art Committee is please to announce a generous gift from Hazel Jacobsen-Theel, a new work by Paris Pasch. Mr. Pasch is one of the City's most respected artists. The piece was commissioned by Mrs. Jacobsen-Theel as a site-specific work for historic City Hall reflecting the City's early history. In her presentation to the committee, Mrs. Jacobsen-Theel was clearly motivated by her love of local history and the arts, but more importantly giving back to the community that has given so much to her. She will pay for the sculpture and has also contributed to the base. The Art Committee will seek donors for the last \$400 needed.

Because the work will visually impact Public Square, a property of the City and a designated historic site, the committee requests that the City Council accept the gift and approve the installation on Public Square. The proposed site will also be reviewed by the HPC. The artist's drawings with overview and specifications are attached. The piece would ideally be sited on the front lawn of City Hall as indicated on the map. It is anticipated the work will be completed and installed by early November 2002.

The demands of a permanent outdoor sculpture require the use of materials that will be impervious to various weather conditions. Pasch successfully addresses this concern in his choice of corten steel and rock. The piece will be structurally mounted and stabilized on a large granite boulder surrounded by mortared river rock. The brick pavers that encircle and focus on the piece offer an invitation to walk around the open structure and view it from different perspectives.

Pasch's attention to immaculate finish with emerging patinas and the integrity of simple materials result in surfaces of subtle and serene sensuality. The variety of shapes suggest the idea that everything is in constant motion. We are mobile parts of the world with multiple points of view and whatever in our environment has real meaning has to be in sympathy and harmony with each other. Mr. Pasch's ability to create a visual vocabulary

designed to give an expression of movement in the wheat sheaves and water, travel by wagon and bridge reveal a special sensibility. He makes his ideas visible in this drawing in space. The balance of natural resources and human enterprise in organic configuration contain a vision and message that is sincere and impressive, commenting on the relationship of people with each other, and with the land and river. It is both infinite and intimate, a metaphor of underlying tension and continuity found in nature and human life.

The committee finds the proposed sculpture exemplary in its site-specific use of materials and historical imagery. This will be a work of great artistic significance to be enjoyed by all.

Attachments:

Artists drawing and overview

Specifications

Site Map

Committee Minutes 9-5-02

Fine Arts Collection Brochure

cc: Committee for the Arts
John Grossman
Hazel Jacobsen-Theel
Paris Pasch

“EARLY HASTINGS”

By Paris Pasch

* The flowing river is central to the formation of the city. It emanates from the hub of the wheel and cascades down over the rock foundation. Considerable depth and texture will be expressed in this component of the sculpture.

* The wagon wheel represents the commerce of the community and the progress of life. It will be, in the line of sight, so that the admirer will look into the piece and not over it.

* The bundled shock of grain represents the agricultural heritage of our community. The heads are heavy laden with the bounty of the earth and the labors of the land.

* The massive boulder is a Minnesota native stone that provides a foundation that anchors the sculpture and creates the expression of the solid and permanent aspect of the piece. The sculpture is made to appear as though it grows out of the stone.

* The spiraling lines emanating from the other side of the wheel hub are a depiction of the image that is unique to Hastings “The Spiral Bridge”.

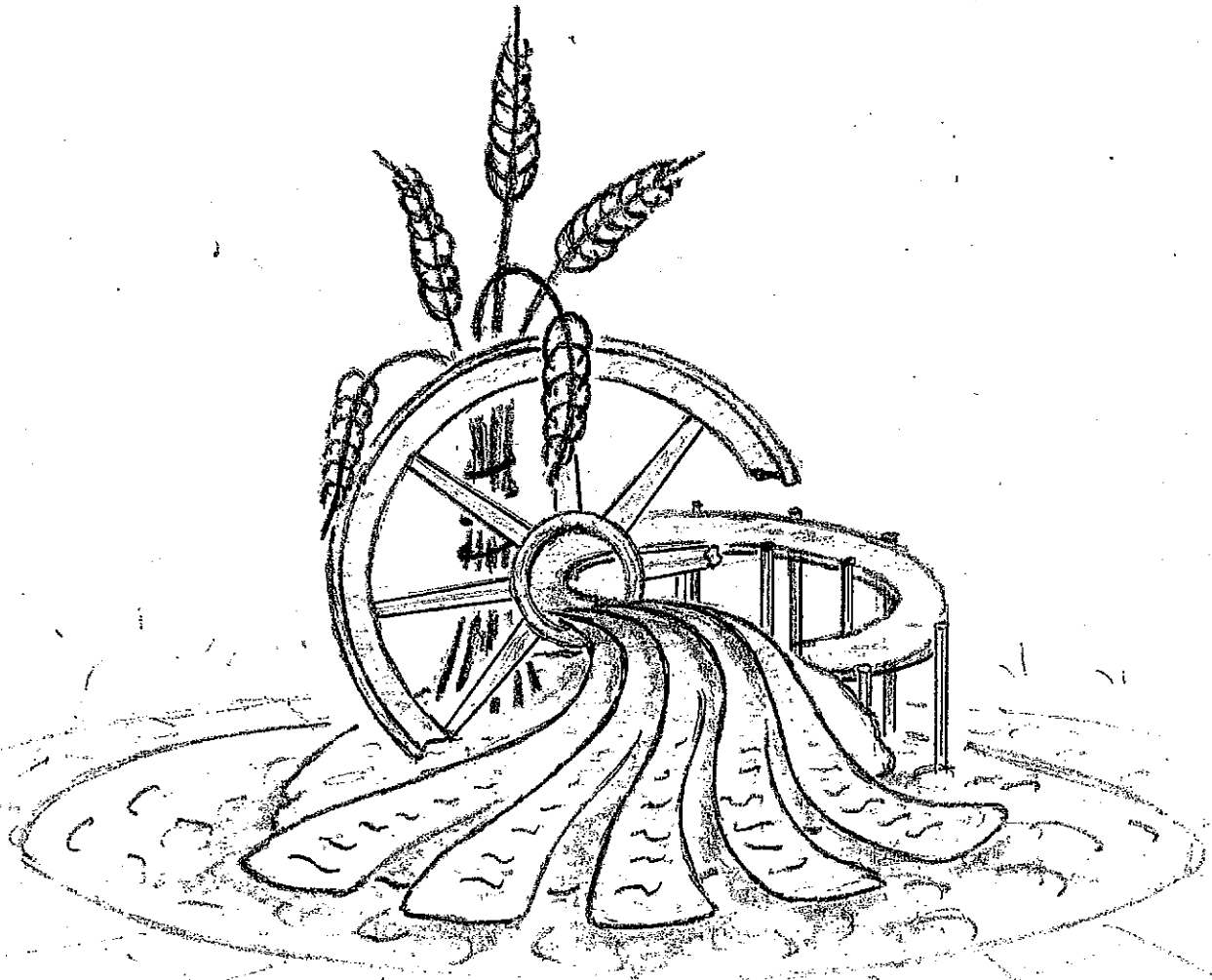
This sculpture is not to be a study in realism but a artistic expression of some of the images that formed the community we live in.

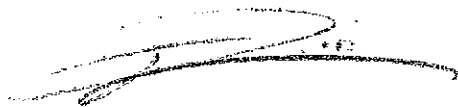
This piece of sculpture is approximately seven feet high and six feet in diameter. It is constructed of “Corten” steel which is an oxidizing steel that needs no maintenance and provides a rich brown coloring. The sculpture will have the appearance of growing right out of the stone. It may best be placed in a bed of 4”-6” river rock, with a brick paver boarder, that separates it from the surrounding ground cover.

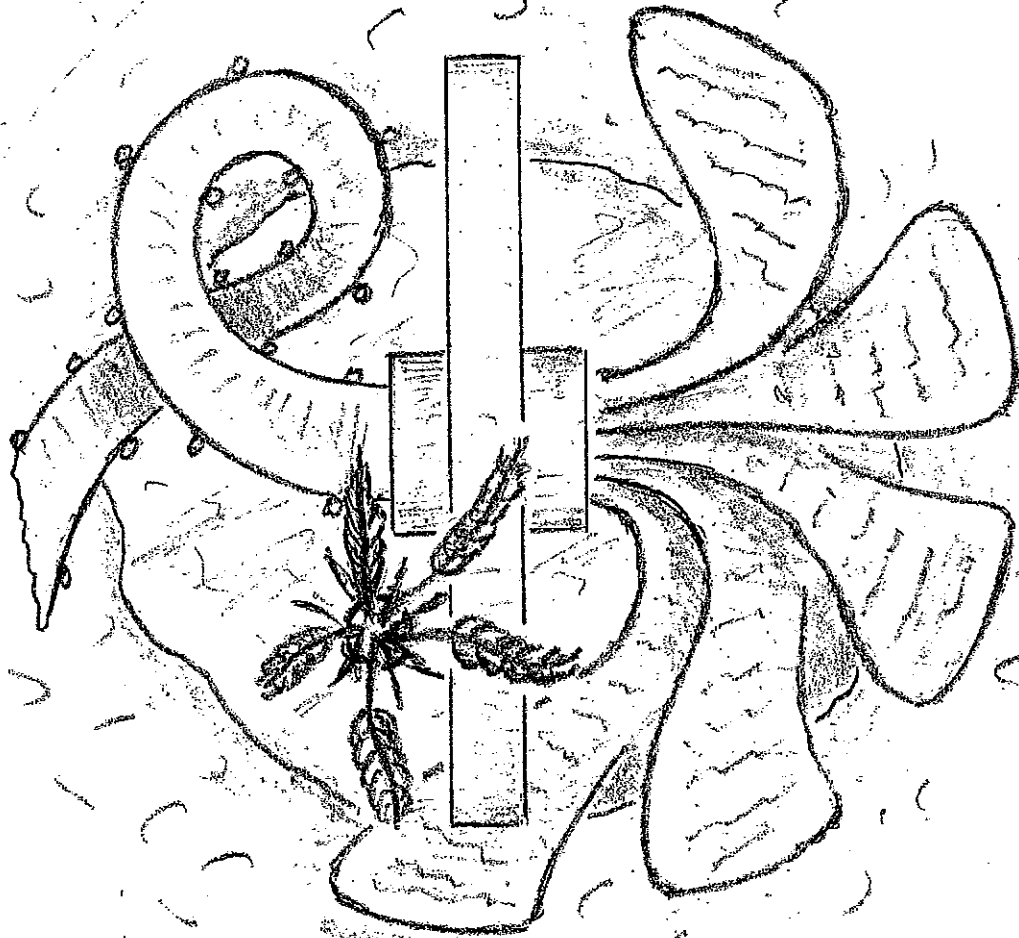
As to the seasonal impact on the sculpture you will find the contrast of a Minnesota snow resting and melting on the deep brown “Corten” steel to add color and intrigue. The rain again will wash down the flowing lines of the piece providing variations in color. The steel medium would be balanced by considerable twisting and flowing motion to provide shadows and light refraction that will enhance the depth and dimension of this dramatic sculpture.

As a Hastings native it would be my privilege to be given the opportunity to use my skills as an artisan to create a piece of this magnitude for my community.

Paris Pasch



Design by




Described by
[Signature]

FINE ARTS COMMITTEE
City Hall
101 Fourth Street East
Hastings, Minnesota 55033-1955
(651)437-4127

MEETING HELD: Sept. 5, 2002 Spiral Room, City Hall
PRESENT: Ruth Litschke, Curator, Murray Wilson, CoChair, Art Nordstrom
Milo Simacek, Bonnie Zeien, John Grossman
GUESTS: Paris Pasch, Artist, Hazel Jacobsen, Retired City Historian

Ruth Litschke opened the Fine Arts Committee meeting at 3:00 P.M. Discussion began concerning acceptance of a cashier's check for \$15,000 Hazel Jacobsen is giving to artist Paris Pasch in payment for a sculpture as her donation to City Hall, City of Hastings. Mrs. Jacobsen also presented to John Grossman \$1200 for other costs of installation for the base et al. John Grossman informed the Committee that his figures indicated it would cost approximately \$1600 for these costs, therefore the Fine Arts would need to raise the remaining \$400.

Paris Pasch, Artist, submitted to the Committee a second draft (modifying the first draft of the sculpture) along with his memo of "Early Hastings"(copies attached). (Also attached hereto is Terms for Sculpture Gift Approval, John Grossman).

Paris Pasch informed the Committee that the base of the sculpture would be a large, lovely granite rock, from which would rise symbolically the Spiral Bridge, flowing water, a wheel signifying commerce on the river and the progression of life, and shafts of wheat to be highlighted, signifying the importance of agriculture to the heritage of this community.

Surrounding the granite rock, the artist envisions river rock and peach-colored pavers, allowing a walkway around the sculpture. The metal of the sculpture will age to a rich brown tone in color, and will be approximately 6-7 feet in height.

A location for the sculpture was then discussed. It was decided to recommend to The Heritage Preservation Committee (John Grossman informed the Committee that the HPC would need to approve the location) to place the sculpture in the northwest section of the City Hall lawn, approximately in line with a light pole situated there. The Committee felt that the public would view the sculpture from the bridge and also approaching from the south, west and east.

Paris Pasch requested permission both to oversee and be the supervisor of the installation process of his work, which was approved by all present.

John Grossman will arrange a meeting with the Heritage Preservation Committee. Paris Pasch, Art Nordstrom, and Milo Simacek volunteered to be present at that meeting. Ruth Litschke will prepare a memorandum to the City Council

asking the City Council for their acceptance and approval of this gift donation to the City of Hastings, and also for approval of the HPC for specific location. When the sculpture is ready for installation, Ruth Litschke will also prepare an explanation for the media. The date set for installation by the Committee and the artist was November, 2002.

A **MOTION** was made by Bonnie Zeien, seconded by Milo Simacek, and unanimously voted yes by all members of the Committee to recommend that the Hastings City Council accept the gift of a sculpture by artist Paris Pasch, donated by Hazel Jacobsen Theil for the lawn at City Hall. The Committee further recommended that Hastings City Council approve the agreement as written in the minutes, and that the sculpture will have a plaque placed on it showing the artist's name and stating that the sculpture is a donation by Hazel Jacobsen Theil.

Old Business.

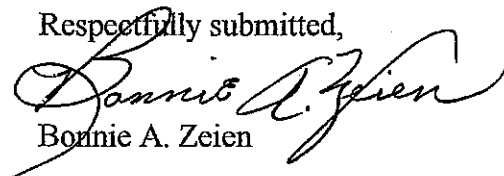
Art Nordstrom presented the finished framing of the bird picture donated by E. Schnirring., plus the one by Fern Koestner. He plans to get an estimate for framing of "Mystic Sunrise" by Florence Tervola, and "City Hall", watercolor by James Zotalis.

Ruth Litschke will check with Graphic Design on the progress of a weather proof sign for City Hall tourism.

She will also call the high school to ask if a student would be interested in becoming a volunteer art student with the Fine Arts Committee; and call Dan Griel, Hastings, a possible new member.

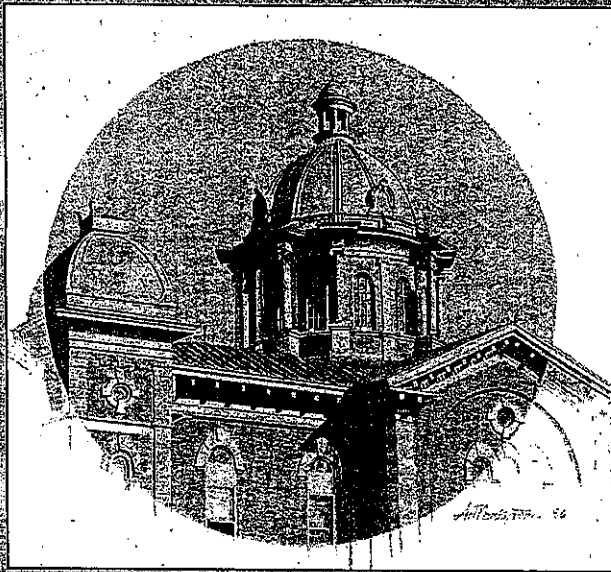
The next meeting of the Fine Arts Committee is set for October 3, 2002, City Hall, at 3:00 P.M.

Respectfully submitted,


Bonnie A. Zeien

Atts/3

The unanimity of interest among these artists in the city's historic buildings, local geography and wildlife is spine-tingling. The contrast of their individual approach to these subjects is delightful. Bob Burnier's inescapable LeDuc Mansion becomes animated in Dave Geister's portrayals of citizens at work and play in historic contexts. The LeDuc garden is animated by Mary Lou Varizo vibrates with life. The drama of City Hall at night is captured in oil by John Moen, and its neoclassical dome pristinely depicted in pencil by Art Nordstrom.



Old Dakota County Courthouse (1986) by Art Nordstrom

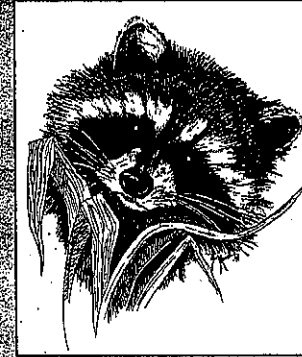
The striking grid of black and white photography by John Rundahl documents and explores the city's architectural designs. Our proximity to the Mississippi and Vermillion rivers is reflected in spectacular water works by Don Koestner, Barb Pine, Eric Bombard, and others. An abundance of works charmingly detail our local fauna and wildlife by artists such as Shelly Kranz, Fern Koestner, Karen Latham, and Ervin Schnirring.

What was the past glory of Hastings - The Spiral Bridge - became a permanent regret in its destruction. The bridge continues to capture the imagination of artists as seen in five works in the collection. However they should not be viewed as just another Spiral Bridge. The 1948 oil painting by Edward Brewer celebrates the bridge in a softly romantic reminiscence. It contrasts with the more recent period style of Carole Jernigan of explosive exuberance. David Geister again takes us back to the reality of 1935. Pat Fox translates the bridge into a subtle abstraction of form and beauty. More than a popular motif, and perhaps even an icon, the Spiral Bridge now serves to transport us into the minds of artists.

We are enriched as a community to have so many fine artists in our midst, and to live in a city that has inspired the creation of unique and wonderful works of art. We delight in the imagination and creative vision seen in the collection. It serves to remind us that to live in a place fully requires searching for a sense of past and exploring the present. As artists tie into history of place and people, they stir our imagination of what was and might have been. We look at our surroundings with renewed sensitivity. The city is proud of its artists and permanent art collection. We will strive to preserve what we now have, and provide for what is to come in our emerging artists.

To that end the City of Hastings initiated a community-based effort to recognize its 150-year history as represented in the arts and by the artists of Hastings. A modest-sized city, Hastings is unusual in establishing a center for the arts and history. We see most of the state's historic and artistic treasures collected by the Minnesota Historical Society. However, the Hastings City Council is commended for forming a Committee for the Arts. Its mission to develop a long-range plan for establishing a focal point of interest in the visual arts in our community is a timely one.

Out on Bare Tree Trunk and Raccoon by Shelly Kranz



Much of the impetus for establishing a permanent collection has come from numerous and generous gifts to the city by Hazel Jacobson Theel. After 50 years of collecting historic memorabilia and patronizing local artists, she has entrusted the city as a repository for many unique items from her personal collection. Subsequently, additional donations are sought to build and enhance the city's emerging fine arts and history collections. City Hall is currently the only public venue for display of the collection in the community. It offers a lovely historic setting and the support of its professional staff.

The Committee for the Arts is made up of volunteers from the community with expertise in a variety of areas. They are enthusiastically committed to a shared vision of development of the fine arts collection and future projects. Its initial charge of cataloging, valuing and hanging the collection is complete. Future plans include special projects to increase public knowledge, appreciation and involvement in our city's unique heritage.

If you would like to participate in arts projects, or make a donation of art to the collection, please contact the Chairperson of the Committee for the Arts, Hastings City Hall, 101 East Fourth Street, Hastings, Minnesota 55033.

The Fine Arts Collection has been generously supported by the following people:

- Blaine Apaletan
- Merle and Linda Borchard
- Andrey Ceran
- Dick Darsow
- Mae Eddy
- Don and Georgia Fahy
- Pat Fox
- David Geister
- Bert Goderstad
- John Grossman
- James and Jona Holmes
- Yerla Rose Karpen
- Don and Fern Kuesme
- Tom Kusam
- Teri, Karen, Rebecca and Bonnie Latham
- Keith Law
- Dan and Ruth Litschke
- Clifford Moen
- Art Nordstrom
- Barbara Pinc
- Terry Redlin
- Jim Rossing
- Hazel Jacobsen Theel
- Mary Lou Vanzo
- Fred and Joan Voight
- Murray Wilson
- Mr. and Mrs. Paul Welshons
- Women's Club of Hastings (GFWC)
- Bonnie Zeien
- James Zotalis

Hastings City Hall
101 East Fourth Street
Hastings, Minnesota 55033



The Fine Arts Collection
of the City of Hastings, Minnesota



White-Tailed Deer Study by Terry Redlin

The Fine Arts Collection of the City of Hastings currently holds over 90 works by 32 artists. These works range from a very early piece by Minnie Voight, dated 1888, to the latest work of well-known artist Terry Redlin. All of the artists represented are, or have been, residents of Hastings. To a great degree, their work derives from the uniqueness of the Hastings environment. This varied array of quality artistry embodies a wonderful breadth of style and technique, and is to be enjoyed both separately and as a whole. These elements serve to form an initial focal point for the collection.

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: September 16, 2002
Subject: Development Agreement – Pleasant Acres 1st Addition

REQUEST

The City Council is asked to approve the attached Development Agreement between the City and Habitat for Humanity for the Final Plat of Pleasant Acres 1st Addition, a seven lot residential subdivision located between Pleasant Drive and North Frontage Road.




The City Council granted Final Plat approval on August 19, 2002. As a condition of approval, the developer is required to enter into a development agreement with the city to memorialize conditions of the plat.

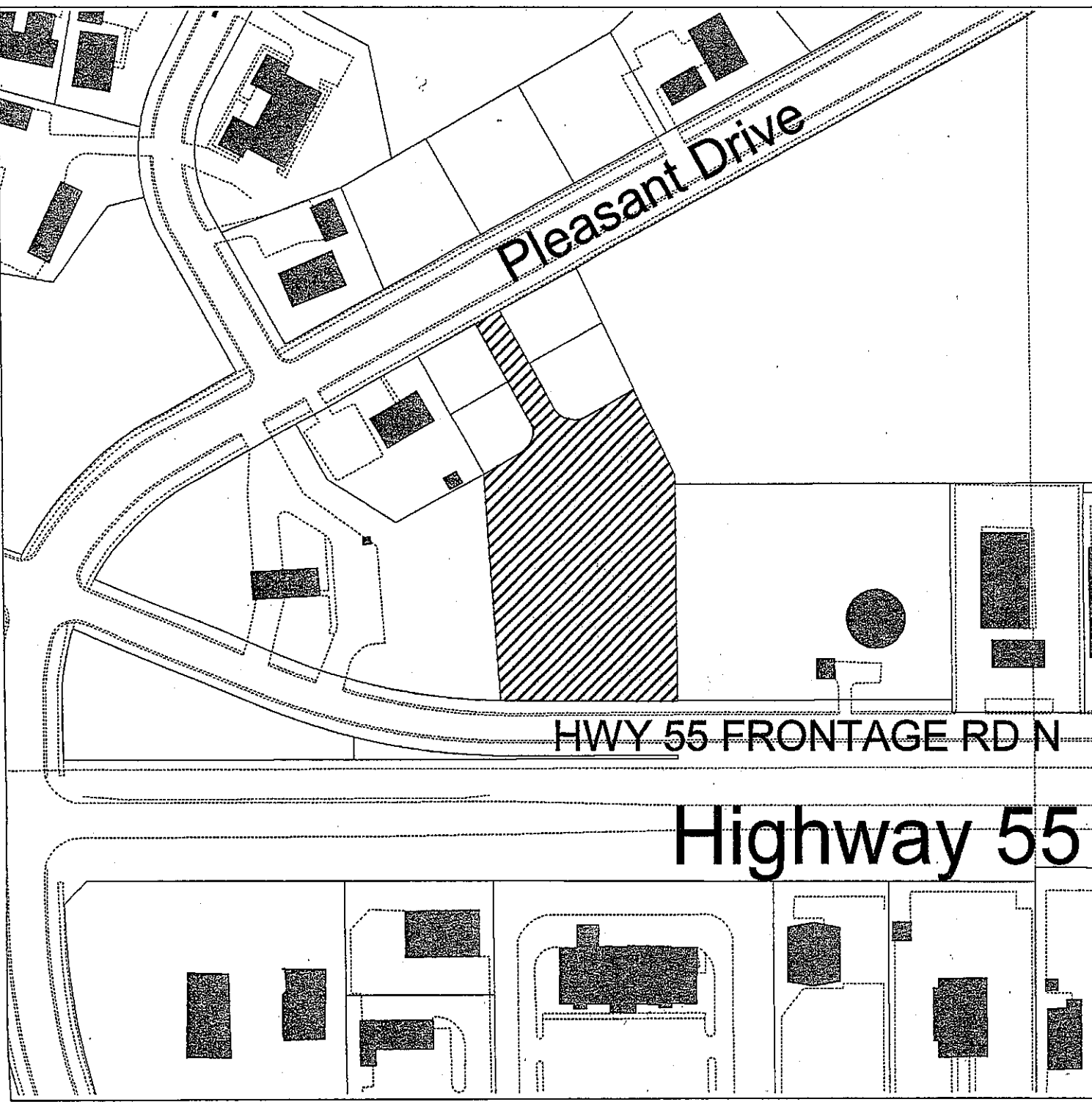
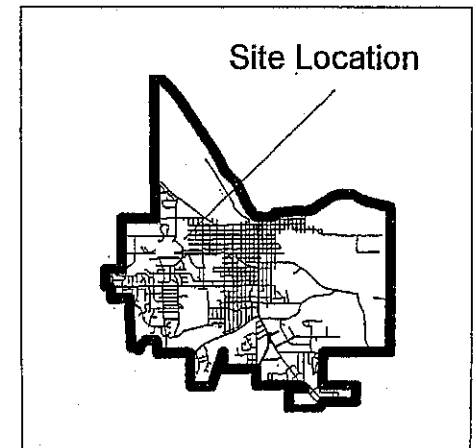
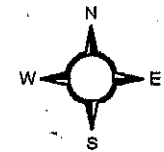
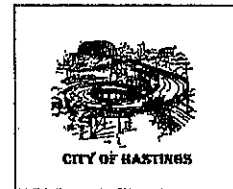
ATTACHMENTS

- Development Agreement
- Location Map
- Preliminary Plat

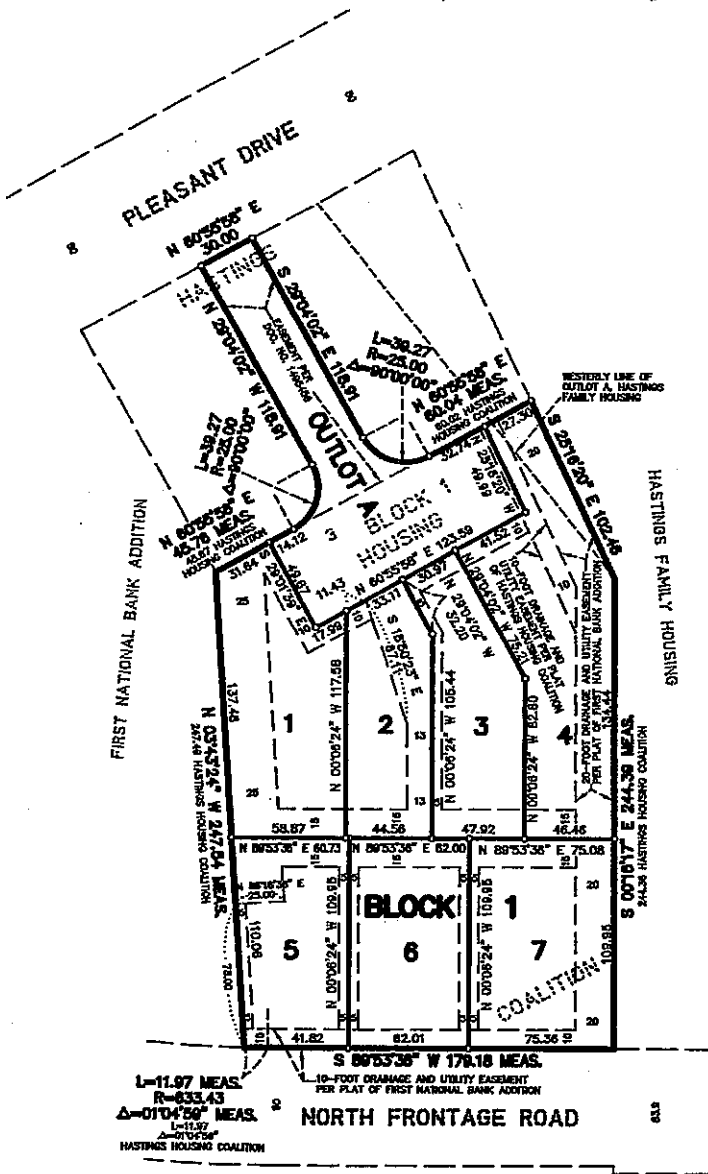
Pleasant Acres 1st Addition Final Plat

Legend

-  Buildings
-  Roads
-  Parcels



PLEASANT ACRES FIRST ADDITION

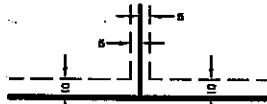


SCALE IN FEET
0 20 40

BEARINGS ARE BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM

- DENOTES 5/8 INCH X 18 INCH STEEL ROD SET WITH CAP STAMPED KEMPER 12807
- DENOTES IRON MONUMENT FOUND

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES AND BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE SHOWN ON THE PLAT.

KNOW ALL MEN BY THESE PRESENTS That Tels Cities Habitat for Humanity, a Minnesota nonprofit corporation, owner and proprietor of the following described property situated in the County of Dakota, State of Minnesota, to-wit:

Lot 3, Block 1, HASTINGS HOUSING COALITION, on file and of record in the office of the County Recorder, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as PLEASANT ACRES FIRST ADDITION and do hereby donate and dedicate to the public for public use forever the easements for drainage and utility purposes as shown on the plat.

In witness whereof said Tels Cities Habitat for Humanity, a Minnesota nonprofit corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 20__.

President

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ President of Tels Cities Habitat for Humanity, a Minnesota nonprofit corporation, on behalf of the corporation.

Notary Public, _____ County,
My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as PLEASANT ACRES FIRST ADDITION; that this plat is a correct representation of said survey; that all distances are correctly shown in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat and that there are no wet lands as defined in Minnesota Statutes, Section 506.02, Subd. 1 or public highways to be designated on the plat.

Mark D. Kemper, Licensed Professional Land Surveyor
Minnesota License No. 15407

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certification was acknowledged before me this ____ day of _____, 20__ by Mark D. Kemper, Licensed Professional Land Surveyor.

Notary Public, _____ County, Minnesota
My Commission Expires _____

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

Chair

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

Mayer

Clerk

Pursuant to Minnesota Statutes, Sec. 363B.545 this plat has been approved this ____ day of _____, 20__.

Fred Johnson, Dakota County Surveyor

I hereby certify that the taxes for the year 2002 for the land described on the plat as PLEASANT ACRES FIRST ADDITION have been paid and no delinquent taxes are due and transfer entered this ____ day of _____, 20__.

Dakota County Treasurer - Auditor

Document Number _____ Certificate Number _____
I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 20__ at _____ o'clock _____, and was duly recorded in Book _____ of _____ on Page _____.

Dakota County Recorder

DEVELOPMENT AGREEMENT PLEASANT ACRES FIRST ADDITION

THIS AGREEMENT, made and entered into this ____ day of _____, 2002, by and between the City of Hastings, a Minnesota Municipal Corporation (“City”) and (Habitat for Humanity,) (“Developer”).

WHEREAS, Developer plans to undertake the residential development of property which is proposed to be platted as **Pleasant Acres First Addition**, in the City of Hastings, Dakota County, Minnesota (“Subject Property”); and

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

WHEREAS, the Hastings City Council has approved Developer’s proposed plat, subject to Developer entering into this Development Agreement and otherwise complying with all conditions of City Council approval; and

WHEREAS, Developer is signing this Development Agreement fully expecting to bind 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 in the City of Hastings, Dakota County, Minnesota

proposed to be legally described as:

Pleasant Acres First Addition, according to the plat thereof,
to be filed in the Dakota County Recorder's Office.

All references in this Development Agreement to a lot, block or outlot, shall refer to a lot, block or outlot contained in the plat of **Pleasant Acres First Addition** ("Subject Property")

2. **Authority to Make Agreement.** Developer warrants to the City it has full authority to enter into this Development Agreement and perform all conditions herein contained. Developer further warrants this Development Agreement will be recorded against the Subject Property before any of the Subject Property is transferred or encumbered in any way.
3. **Development of Subject Property.** Developer shall plat and develop the Subject Property consistent with all conditions of approval imposed by the Hastings City Council.
4. **Park Dedication Fees.** At the time the final plat is signed by the City, Developer shall pay to City \$5,950.00 in park dedication fees.
5. **Interceptor Sewer Charges.** At the time the final plat is signed by the City, Developer shall pay to the City \$2,205.00 for sewer interceptor charges.
6. **Sidewalks and Driveways.**
 - A. 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. The driveways for Lots 5, 6, and 7 must be constructed of 6 inch thick concrete from the curb to the north side of the existing sidewalk. The existing sidewalk is only 4 inches thick and must be replaced through the driveway section for the lots when driveways are constructed.

- B. Parking areas shall be designed so as to provide an adequate means of access to a public ally or street. Said driveway access shall not exceed 24 feet in width for residential uses.
- C. All single-family homes, duplexes, 4-plexes, town homes and townhouse quadraminiums developed as part of plats approved after January 1, 1994 shall be required to have mail delivery serviced by United States Postal Service approved Neighborhood Delivery and Collection Box units or similar City approved grouped boxes. Individual mailboxes will be permitted only upon receiving handicap exemption status from the Hastings area office of the United States Postal Service, with appeal rights to the St. Paul district office of the United States Postal Service. Mailbox unit foundations and concrete pads shall be constructed with the development's street improvements, and in accordance with the latest recommended plans and specifications prepared by the Public Works Division and on file at City Hall. The Public Works Director in consultation with the U.S. Post Office will determine the location and number of mailbox units.

7. **Specifications - Inspections.**

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

insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage. The Uniform Building Code grading permit fee will be waived for those grading projects that require a grading inspection cash escrow.

- C. As-Built Grading Plan - Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded elevations at all lot corners, critical elevations in drainage ways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.
- D. Private and 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. Minnesota Department of Health and Minnesota Pollution Control Agency Permits will be needed for utility work. The Developer contracting these improvements will be required to post a cash escrow with the City of Hastings for the estimated cost of the inspection services prior to receiving approval to commence construction. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If

the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

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

8. **Required Surety.**

- A. Developer Financed and Constructed Improvements: Developer shall provide the City a letter of credit, cash escrow, or other approved form of surety, in the amount of 125 percent of the grading, street, and utility costs. This surety shall be used to cover failure of the Developer to construct the improvement in accordance with the approved plans and specifications and City standards, or failure to complete the improvements as approved.
- B. Maintenance Bond: Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from his contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.
- C. Privately Constructed Improvements: In the event the developer elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:
 - 1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
 - 2. 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.
9. **Tree Protection.** The trees on the site shall be fenced off and protected during construction and grading process. All tree protection measures are subject to the prior approval of the City's Forester.
10. **Site Plan Approvals.** No building permits shall be issued for any construction on the Subject Property until all required site plan approvals have been obtained from the City.
11. **Easements.** Developer shall dedicate a drainage and utility easements to the satisfaction of the Public Works Director as follows:
- A. Lot 6 along the sanitary sewer services for Lots 5 and 7.
 - B. Lot 2 along the sanitary sewer service for Lot 1.
 - C. Lot 3 along the sanitary sewer service for Lot 4.
12. **Recording of Agreement.** This Development Agreement shall be recorded against the Subject property before any of the Subject Property is transferred or encumbered in any way. Developer shall pay all costs of recording this Development Agreement.
13. **Homeowners Association.** Developer agrees to establish a homeowners association and declaration of covenants to ensure that all private street, utility, common areas, and retaining walls within the Subject Property will be maintained by the Developer, successors and assigns. Developer further agrees to provide an executed copy of such agreement to the City before release of the Final Plat.

14. **Property Monuments.** Steel monuments shall be placed at all block corners, lots corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the developer's expense and responsibility. All U.S., State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. The developer shall replace all monuments displaced, damaged or removed during grading operations. The monuments shall be installed after the final grading has been completed. The developer shall provide required certification of installation to the County. A copy of this certification shall also be sent to the City.
15. **Grading Plan.** Developer shall provide the City with a certified survey illustrating that all of the Subject Property has been graded pursuant to the approved grading plan prior to the issuance of any building permits. Further, all disturbed areas shall be seeded and mulched and shall be properly maintained so as to comply with all City of Hastings property maintenance ordinances before issuance of any building permits.
16. **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.
- D. No building permits shall be granted until the entire site is graded to the specifications of the approved grading plan and disturbed areas are revegetated.
- E. No building permits shall be granted until all utility improvements are completed, tested, and accepted by the City.

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

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

6. Proposed garage floor elevation
 7. Proposed lowest floor elevation
 8. Proposed lowest foundation opening
 9. Proposed top of foundation elevation (front and rear)
 10. Proposed finish grade elevations at building corners
 11. Street right-of-way (to center line)
 12. Existing property monuments
 13. Detailed spot elevations for drainage swales based on the approved grading plan
 14. Existing and proposed mid-point elevations on side lot lines
 15. Existing top of curb elevations at the extension of side lot lines and at the mid-point of the lot
 16. On-site sewage treatment system location and potable well location, if applicable
- C. Survey benchmarks shall be identified on certificate of survey.
- D. Field hubs shall be placed on site by a licensed surveyor to show top of foundation elevation and setbacks.
18. **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 the 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.

19. **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.
20. **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.
21. **Shade Tree Requirement.** The builders in the subdivision shall plant "boulevard" trees according to the submitted tree plan and one front yard tree per lot. These trees shall be at least two inches in diameter at the base and the species of the tree should be on the list of approved trees created by the City Forester. An escrow is required for any unplanted trees before a certificate of occupancy is issued for any units without trees are allowed.
22. **Maintenance of common open space and ponding basins.** The Developer shall provide documentation that a development association and not the City shall privately maintain common open space and ponding basins.
23. **Failure to Perform.** Developer agrees that the Inspections and Code Enforcement Supervisor has the authority to suspend issuance of building permits if Developer fails to adhere to the provisions of this Agreement, including but not limited to, Chapter 18, Property Maintenance Ordinance, storm water management regulations, and City Council Approvals.
24. Any notice required by this Development Agreement shall be sent to the parties as follows:

Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: September 16, 2002
Subject: Development Agreement – Century South 3rd Addition Final Plat

REQUEST

The City Council is asked to approve the Development Agreement between the City and Lyman Development, Inc. for Final Plat of Century South 3rd Addition, located south of 36th Street west of Highway 61. The development consists of 24 twinhome lots.

The City Council granted final plat 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 the plat.

ATTACHMENTS

- Development Agreement
- Location Map
- Final Plat

**Development Agreement
Century South 3rd Addition
Dakota County, Minnesota**

This agreement is made and entered into as of the _____ day of _____, 2002, by and between the City of Hastings, a Municipal Corporation ("City"), and Lyman Development, Inc. – Minnesota Corporation.

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

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

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

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

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

CENTURY SOUTH 3rd ADDITION
ACCORDING TO THE RECORDED PLAT
ON FILE AND OF RECORD IN THE OFFICE OF THE DAKOTA COUNTY
RECORDER.

THIS DEVELOPMENT AGREEMENT SHALL APPLY TO ALL LOTS AND
OUTLOTS CONTAINED WITHIN CENTURY SOUTH 3rd ADDITION

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

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

4. Streets.

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

5. Sidewalks and Driveways.

- A. Grading of boulevards in all new developments shall be accomplished so as to accommodate construction of sidewalks 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 dedicated to the public. 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 constructed with the development's street improvements, and in accordance with the latest recommended plans and specifications prepared by the Public Works Division and on file at City Hall. The Public Works Director in consultation with the U.S. Post Office will determine the location and number of mailbox units.

6. Specifications - Inspections.

- A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. The required improvement plan review fee as established by City Council resolution shall be paid at this time.
- B. Grading Inspection - All development site grading one acre in size or larger shall be inspected by a City designated grading inspector, who will review and inspect maintenance of erosion control measures and compliance with City standards, and the approved grading plan and specifications. The inspection escrow account shall be drawn from the balance of Century South 1st and 2nd Additions. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all grading inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the grading project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage. The Uniform Building Code grading permit fee will be waived for those grading projects that require a grading inspection cash escrow.
- C. As-Built Grading Plan - Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded elevations at all lot corners, critical elevations in drainageways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.
- D. Inspection of Public Improvements - Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a City

designated inspector for compliance with City standards, and the approved improvement plans and specifications. The inspection escrow account shall be drawn from the balance of Century South 1st and 2nd Additions. The Public Works Director shall determine the estimated cost of inspection services. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

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

7. Required Surety.

- A. Developer Financed and Constructed Improvements: Developer shall amend the letter of credit currently in effect for Century South 1st and 2nd Additions to include Century South 3rd Addition. A copy of the amended letter of credit shall be submitted to the city. This surety shall be used to cover failure of the Developer to construct the improvement in accordance with the approved plans and specifications and City standards, or failure complete the improvements as approved.
- B. Maintenance Bond: Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from his contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.
- C. Privately Constructed Improvements: In the event the developer elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:
 - 1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
 - 2. 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.

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

- A. The developer shall have a separate water meter and water line installed for all irrigation systems.
- B. The sanitary sewer mains shall be sized and constructed at a depth to accommodate future sanitary flows for future growth outside the City.

9. Utility over sizing and lowering. The City agrees to pay the difference in the cost of City directed oversizing and lowering of the sanitary sewer mains. This cost shall be approved by the Public Works director.

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

11. Interceptor Sewer Charges. At the time the City signs the final plat, the developer agrees to pay the City seven thousand five hundred sixty dollars and 00/100 (\$7,560.00) for interceptor sewer charges. This total is based on a rate of \$315.00 for the 24 units.

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

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

14. REQUIREMENTS FOR A BUILDING PERMIT

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

15. Building Permit Submittal Requirements

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

- a. The certificate of survey shall reference and be based on an approved grading plan.
- b. The Certificate of Survey shall include at a minimum the following information:
 1. property boundaries
 2. existing structures
 3. proposed structures (including driveways)
 4. existing and proposed lot corner elevations
 5. proposed drainage flow (arrows)
 6. proposed garage floor elevation

7. proposed lowest floor elevation
8. proposed lowest foundation opening
9. proposed top of foundation elevation (front and rear)
10. proposed finish grade elevations at building corners
11. street right-of-way (to center line)
12. existing property monuments
13. Detailed spot elevations for drainage swales based on the approved grading plan.
14. existing and proposed mid point elevations on side lot lines
15. existing top of curb elevations at the extension of side lot lines and at the mid point of the lot
16. On-site sewage treatment system location and potable well location, if applicable

c. Survey benchmarks shall be identified on certificate of survey.

d. Field hubs shall be placed on site by a licensed surveyor to show top of foundation elevation and setbacks.

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

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

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

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

a. Tree Plans - Shall identify boulevard/street tree and front yard tree location and type of tree (based on approved tree plan).

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

18. Occupancy of Dwelling Units. No permanent occupancy of any dwelling unit in the

subject property shall occur until the City has accepted all utilities and until the base course of pavement has been installed on the streets, etc.

- 19. Shade Tree Requirement.** The builders in the subdivision shall plant “boulevard” trees according to the submitted tree plan and one front yard tree per lot. These trees shall be at least two inches in diameter at the base and the species of the tree should be on the list of approved trees Created by the city Forester. An escrow is required for any unplanted trees before a certificate of occupancy is issued for any units without trees are allowed.
- 20. Maintenance of common open space and ponding basins.** The developer shall provide documentation that a development association and not the city shall privately maintain common open space and ponding basins.
- 21. Conservation Areas.** That the 75 ft agricultural buffer along the southern property line shall be maintained as open space and that fence posts shall be installed along the southern property line to identify the property boundaries. Restrictive covenants will be recorded with the deeds of the lots that include the agricultural buffer.
- 22. Conservation Area Monuments.** Markers shall be installed on the property to identify the agricultural buffer area.
- 23. Outlots.** That Outlots shall be re-platted before they can be developed.
- 24. Failure to Perform.** Developer agrees that the Inspections and Code Enforcement Supervisor has the authority to suspend issuance of building permits if Developer fails to adhere to the provisions of this agreement, including but not limited to Chapter 18, Property Maintenance Ordinance, stormwater management regulations, and City Council Approvals.
- 25. Successors and Assigns.** This agreement shall be binding upon the successors and assigns of the parties hereto and shall run with the land.
- 26. Recording of Agreement.** An original executed copy of this agreement shall be filed with the Dakota County Recorders Officer, which shall give notice to all subsequent purchasers of the property within the subject property of the provisions of this Agreement.
- 27 Miscellaneous.**

 - A. Any breach of the terms of this Agreement by Developer shall be grounds for denial of building permits for construction in the subject property.
 - B. If any portion of this Agreement is held invalid for any reason, that decision shall not affect the validity of the remaining portions of this Agreement.
 - C. The action or inaction of the city shall not constitute a waiver or amendment to the provisions of this Agreement. All amendments or waivers to this Agreement shall be in writing, signed by all parties and approved written resolution of the City Council.

Dated this _____ day of _____, 2002

City of Hastings,
A Minnesota Municipal Corporation

By: _____
Michael D. Werner, Mayor

By: _____
Melanie Mesko Lee, City Clerk

SEAL

Lyman Development

By: _____

Acknowledgment

State of Minnesota)
) SS.
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 Minnesota Municipal Corporation

Notary Public

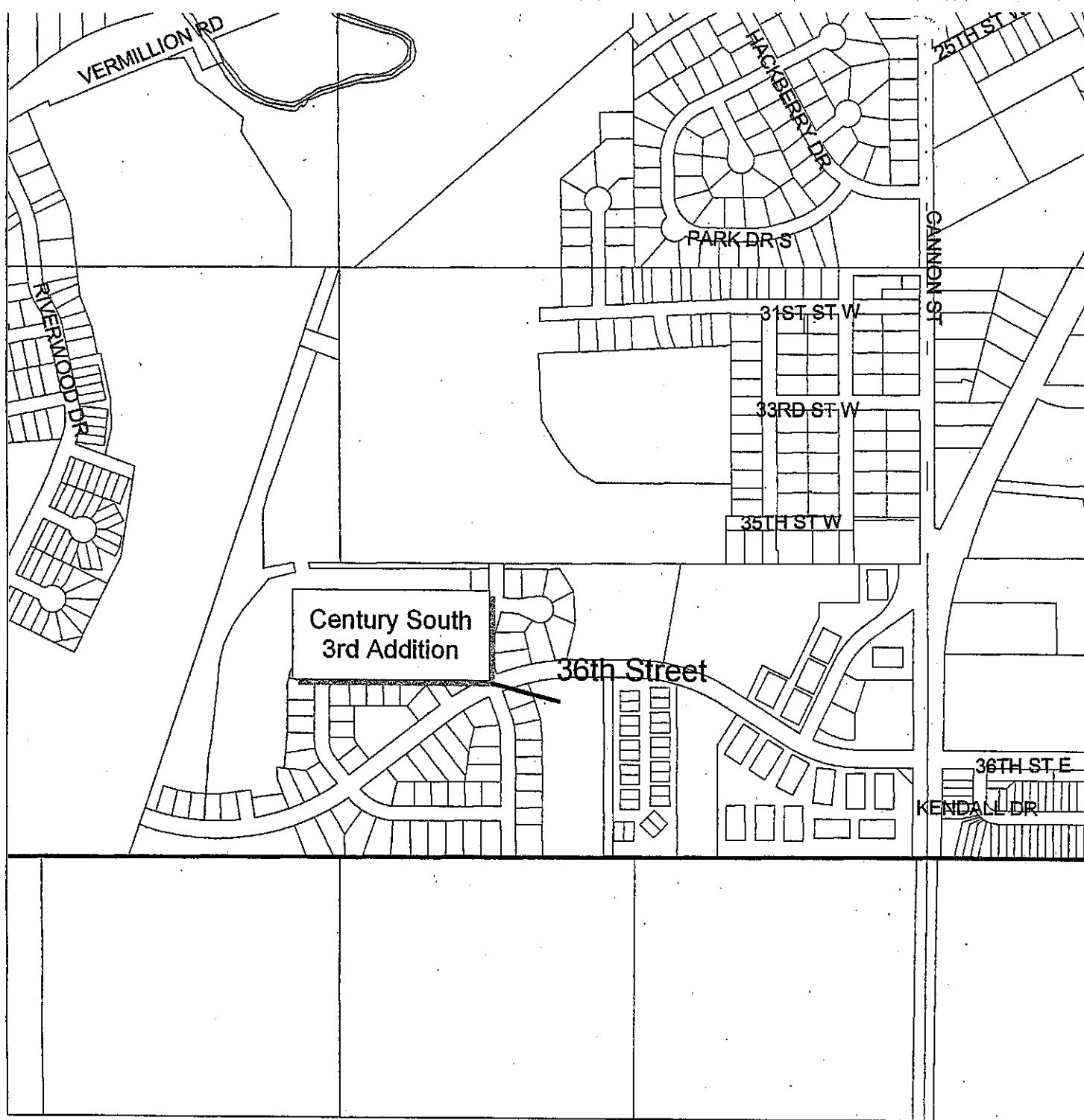
State of Minnesota)
) SS.
County of Dakota)

The foregoing instrument was acknowledged before me on this ____ day of _____ 2002,
by





Notary Public

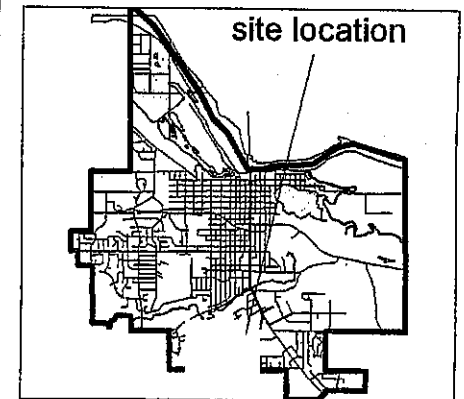
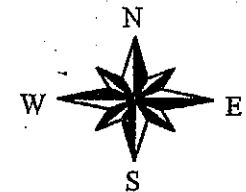
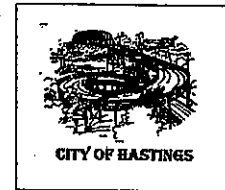
This instrument drafted by
City of Hastings
101 E 4th St
Hastings, MN
55033

Century South 3rd Addition Final Plat

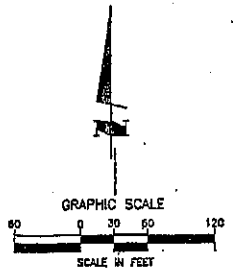
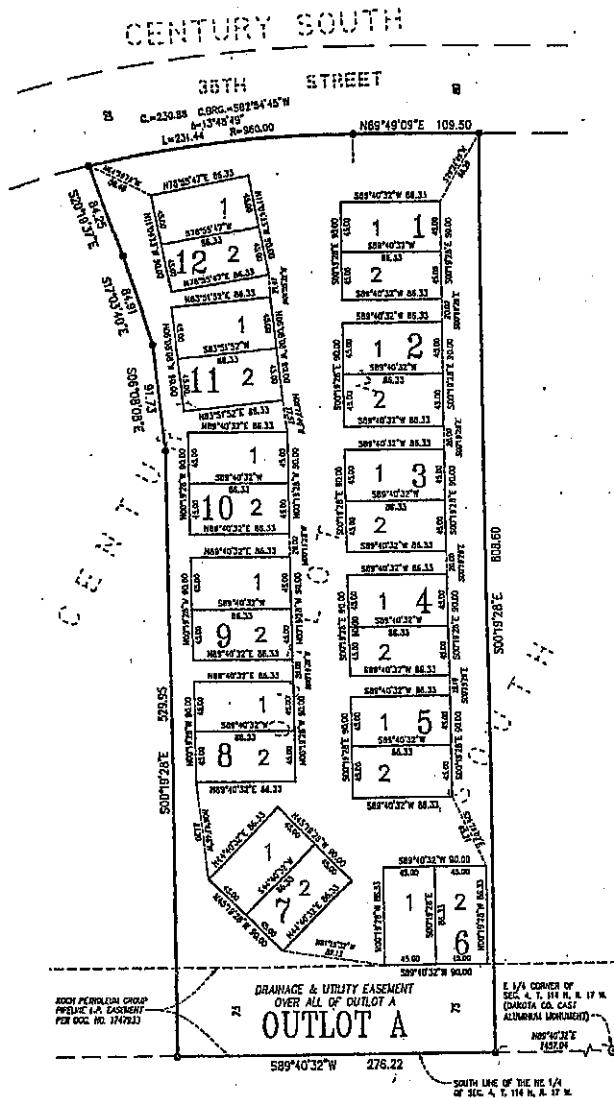


Legend

-  2001 city limits.shp
-  Water
-  4-23-02 city parcels.shp
-  Parcela.shp



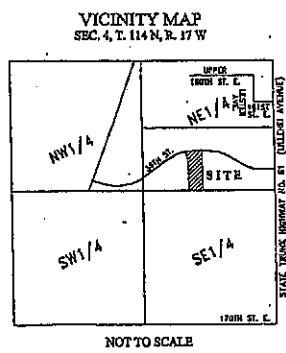
CENTURY SOUTH 3RD ADDITION



■ DENOTES MONUMENT FOUND.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES MONUMENTS TO BE SET ACCORDING TO MINNESOTA STATUTES, AND WHICH SHALL BE IN PLACE ON OR BEFORE THE ____ DAY OF ____ 20__.

THE SOUTH LINE OF THE NE 1/4 OF SECTION 4, TOWNSHIP 114 NORTH, RANGE 17 WEST, IS ASSUMED TO HAVE A BEARING OF S89°40'32"W



PRINTED

AUG 15 2002

PRELIMINARY

KNOW ALL PERSONS BY THESE PRESENTS: That Lyman Development Co., a Minnesota corporation, for owner of the following described property situated in the County of Dakota, State of Minnesota to wit:

Outlot M, CENTURY SOUTH, according to the recorded plat thereof.

Has caused the same to be surveyed and platted as CENTURY SOUTH 3RD ADDITION and does hereby dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Lyman Development Co., a Minnesota corporation, has caused these presents to be signed by its proper officer this ____ day of ____ 2002.

SIGNER: LYMAN DEVELOPMENT CO.

By: _____ on _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by _____ of Lyman Development Co., a Minnesota corporation, on behalf of the corporation.

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

I hereby certify that I have surveyed and platted the property described on this plat as CENTURY SOUTH 3RD ADDITION; that this plat is a correct representation of said survey; that all distances are correctly shown to feet and hundredths of a foot; that all monuments have been or will be correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in Minnesota Statutes, Section 505.02, Subd. 1, or public highways to be designated other than as shown on said plat.

Fred A. Johnson, Land Surveyor, Minn. Lic. No. 10538

STATE OF MINNESOTA
COUNTY OF ANOKA

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2002, by Fred A. Johnson, Land Surveyor, Minnesota License No. 10538.

Notary Public, Anoka County, Minnesota
My Commission Expires January 31st, 2005.

CITY PLANNING COMMISSION

Approved by the Planning Commission of the City of Hastings, Minnesota, at a regular meeting thereof, on the ____ day of ____ 2002.

By: _____ Clerk

HASTINGS, MINNESOTA CITY COUNCIL

We do hereby certify that on the ____ day of _____, 2002, the City Council of Hastings, Minnesota approved this plat.

By: _____ Mayor

By: _____ Clerk

DAKOTA COUNTY SURVEYOR

Pursuant to section 3530.65, Minnesota Statutes, this plat has been approved this ____ day of _____, 2002.

By: Fred M. Johnson
Dakota County Surveyor

COUNTY TREASURER-AUDITOR

I hereby certify that taxes for the year 2002 for the land described on this plat as CENTURY SOUTH 3RD ADDITION have been paid and no delinquent taxes are due and transfer entered on this ____ day of _____, 2002.

By: _____ County Treasurer-Auditor
Dakota County, Minnesota

COUNTY RECORDER

Document No. _____

I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 2002, at ____ o'clock ____ M., and was duly recorded in Book _____ of _____ at page _____.

By: _____ County Recorder
Dakota County, Minnesota

McCOMBS FRANK ROOS ASSOCIATES, INC.
ENGINEERS AND LAND SURVEYORS

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: September 16, 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 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 10th 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

- Development Agreement
- Location Map

DEVELOPMENT PLAN AGREEMENT FOR SCHOOL HOUSE SQUARE

This Agreement is made and entered into this ___ day of _____, 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 10th Streets in the City of Hastings legally described as:

(Insert Legal Description)

hereafter referred to as "Subject Property")

- B. This property is presently owned by Independent School District #200, Hastings, Minnesota but is proposed to be purchased by Developer.
- C. 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.
- D. 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 concept documents, to ask questions and provide input.
- E. 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.

- F. The parties wish to memorialize their preliminary agreement regarding the proposed development of the old middle school site so as to ensure that future actions taken with regards to the development of this site are consistent with the parties preliminary agreements and understandings.
- G. The parties wish to memorialize the Development Plan Agreement regarding the proposed development of the Subject Property so as to ensure that future actions taken with regards to the development of this site are consistent with the parties preliminary agreements and understandings.

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

1. Purpose of this Development Plan Agreement. The parties are entering into this Development 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. Drawings. As part of the City's general review of the Development Plan for this proposed development, Developer has provided City with several drawings prepared by Schoell and Madson, Inc., and Design Forum, Inc., dated August 2, 2002 ("Plans"). The City has used these drawings in its review of Developer's proposed development. Any preliminary approvals given by the City are based on these drawings. It is understood that the Plans are conceptual in nature and may be subject to some minor modifications. City and Developer agree, however, that the overall development of the Subject Property will be consistent with the layout, location and landscaping types of uses and architectural style as proposed in the Plans submitted to the City.
3. Types of Buildings. This development shall consist with the location and distribution of uses as identified on the Plans. The types of buildings and their approximate size shall be as shown in the following chart:

Building	Description
C-1 Building	C-1 Building is two stories, 11,800 s.f. of retail
C-2 Building	1 st floor 14,000 s.f. retail, drive-thru; 2 nd floor - 10 apartments
C-3 Building	2 story building; 1 st floor retail with drive-thru; 3,800 s.f.; 2 nd floor office - 3,800 s.f.
CBR Building	Mixed use building - 10,000 s.f. 1 st floor commercial/business 20 units of housing on 2 nd - 4 th floors
R	Row House Style Townhomes grouped in 3 buildings. Two to three stories call, walk up.
New R	Located at Ramsey and 10 th Streets; 40 units proposed; 3 story building

The references to the buildings in the above chart coincide to the building designations on sheet one of the Plans.

4. *Building Locations.* The location of the buildings shall be as shown on sheet one of the Plans. It is understood that minor shifting or minor size changes of the different buildings may be necessary to accommodate actual construction, however, it is agreed by both parties that the overall general location of the various buildings will be shown on sheet one of the Plans.
5. *Building Site Layout.* Buildings C-1, C-2, C-3 and CBR shall be orientated to Vermillion Street. These buildings will be two stories in height and will be placed approximately 85-feet from the platted Vermillion Street right-of-way. A 20-foot linear park will also be created to buffer the site from Vermillion Street.

The building designated as R on sheet one of the Plans shall be constructed along Ramsey Street. This building shall range from two to three stories in height and shall be set back approximately 20-feet from the Ramsey Street right-of-way so as to be consistent with the set backs of the neighboring houses on Ramsey Street. All garages in the R building shall be rear loading and have no access or view from Ramsey Street.

The building designated on the Plans as "New R" shall be a 40-unit, 3-story apartment building located on the southeast corner of the Subject Property between Sibley and Ramsey Streets.

6. *Density.* The City will undertake an amendment to its Comprehensive Plan so as to increase the density allowed on the Subject Property. Assuming the Comprehensive Plan is successfully amended by the city council and approved by the Metropolitan Council, the final density on the Subject Property shall not exceed 12 dwelling units per acre.
7. *Architectural Style of Buildings.* The buildings on the Subject Property shall be constructed similar in style to what is shown on sheets ___ through ___ of the Plans. It is understood there may be minor modifications to the architectural style of the buildings, but any changes shall not significantly change the architectural style and features as shown in the Plans. By way of illustration, but not limitation, such architectural features for the town home buildings include: articulated front and the incorporation of porches; a mixture of brick and lap siding; a wide use and variety of different window styles; and a strong roof line and incorporation of dormers.

With respects to the commercial buildings, the CBR and 40-unit residential building, such architectural features include, but are not limited to, use of brick in variable patterns and details along the columns and end caps of the buildings; a wide use and variety of different window styles including large semi-circle windows; a hip

synthetic slate shingled roof on the end caps; canvas awnings above the first floor windows; and a strong cornice along the roof line.

8. The development of the Subject Property must also meet all parking requirements of the City in effect at the time the various buildings on the Subject Property are constructed. Under current City code provisions, the building shown on sheet one of the Plans will require the following parking spaces:

Use	Required Parking Spaces
C-1 Retail*	59
C-2 Retail* Residential	70 20
C-3 Retail* Office	19 13
CBR Retail* Residential	50 40
R - 3 Story Building Residential	80
R - Row Houses Residential	24
Total Required	375
Total Provided	396
Covered/Garage	84
Surface	312

*Retail parking ratio figured at 1:200 s.f.
Parking requirements for restaurant uses is greater

Developer further understands that the required parking spaces for the commercial buildings are based on a retail use of the commercial space. A restaurant use of the commercial space will require a greater number of parking spaces. Developer agrees to meet all parking requirements set by City code at the time a site plan is submitted to the City.

9. Landscaping Plan. All landscaping on Subject Property shall comply with the provisions of the Hastings City Code in effect at the time a site plan is approved.

The City does acknowledge that the landscaping plan as shown on sheet two of the Plans does exceed the current minimum planting requirements of City Code. The site perimeter and interior parking lot areas of the Subject Property shall contain abundant deciduous tree plantings. The existing trees on the site should be documented by size and species on any future landscaping plan submitted to City. The existing trees on that site should also be preserved by Developer.

10. Access to Subject Property. The access to the Subject Property shall be limited to the following:

Vermillion Street. There shall be one right in and one right out access off of Vermillion Street. This access will be located north of the existing 9th Street access. The existing 9th Street access shall be closed and the right-of-way vacated, if it has not yet been vacated.

8th Street. No access shall be allowed to the Subject Property from 8th Street. The only access from 8th Street will be a pedestrian trail access.

Ramsey Street. No more than two accesses off of Ramsey Street will be allowed. The approximate location of these accesses will be as shown on sheet one of the Plans. These accesses will be designed to primarily serve the town house units located along Ramsey Street. These accesses must line up with the existing driveways on the east side of Ramsey Street. Furthermore, these accesses must be designed so as to prevent vehicle headlights from impacting existing houses across Ramsey Street.

10th Street. There shall be one access off of 10th Street located across from Sibley Street in the approximate location shown on sheet one of the Plans. The City reserves the right to require a right turn lane into the entrance to the Subject Property off of 10th Street. Furthermore, to better facilitate traffic flow over westbound 10th Street, Developer agrees to construct a right turn lane at the intersection of 10th Street and Vermillion Street.

11. The Interior Access and Circulation. The interior access and circulation as shown in the Plans must be designed so as to allow for adequate traffic circulation within Subject Property. More specifically, the 10th Street entrance must be designed so as to prevent traffic from backing up onto eastbound and westbound 10th Street.

Any drive-thru's constructed on the Subject Property must be designed so as to prevent the stacking of vehicles and otherwise blocking vehicle circulation within the Subject Property. All truck loading areas within the Subject Property must be located so as to prevent the blocking of any vehicular traffic circulation.

12. Pedestrian Access. Developer shall construct a pedestrian trail from 8th Street to the Subject Property in the approximate location as shown on sheet one of the Plans. Any pedestrian trail constructed shall be constructed to City standards. Any

pedestrian crossings at major intersections within the Subject Property should be well defined by the use of differing pavement material such as stamped or colored concrete.

13. Utility and Storm Sewer Construction. All utilities and storm sewers constructed on the Subject Property shall be constructed to City standards. Developer shall submit to the City a phasing plan for the construction of utilities and storm sewers within the Subject Property. The utilities and storm sewer shall be constructed in a manner so as to allow for the proper staging of these utilities on the Subject Property.
14. Miscellaneous Site Amenities. As part of the planned residential development of this site, Developer agrees to include site amenities to enhance the outdoor spaces and otherwise accentuate the Subject Property. Such site amenities shall include, but not be limited to:
 - a. Bell Tower - A 45-foot bell tower is to be constructed at the corner of 10th and Vermillion Streets. This bell tower shall incorporate the architectural theme and materials of the commercial buildings. The bell tower will be surrounded by stone pavers, benches and planters planted with low flowering shrubs. The bell tower must comply with the City's 25-foot site visibility triangle requirement. The bell tower must be constructed so it is not considered a sign under the City's zoning ordinances, unless an appropriate variance is received from the City.
 - b. Vermillion Street Linear Park - The 20-foot boulevard green space proposed along Vermillion Street shall be developed as a linear park with a meandering sidewalk, decorative benches and a fence, as well as groupings of deciduous trees and low flowering shrubs.
 - c. Bus Stop - A pergola and a sitting area are to be constructed to serve as a bus stop at 10th Street and Ramsey Street. A planting bed and native limestone retaining wall shall be constructed surrounding the area. The bus stop must comply with the City's site and visibility requirements. The pergola shall be constructed outside of the right-of-way.
 - d. The courtyard area adjacent to the CBR building, as shown in the Plans, shall contain a raised fountain and planting beds surrounded by brick pavers and outside tables and chairs and other similar amenities.
15. Future Approval Needed. Developer understands that nothing in this Agreement eliminates Developer's need to obtain the following approvals for work on the Subject Property:
 - a. Approval of a development contract

- b. Preliminary plat approval
- c. Final plat approval
- d. Site plan approval
- e. Special Use Permit Approvals for any multiple family dwelling exceeding 40-feet in the R-5 zoning district.
- f. Possible height variance for bell tower.
- g. Vacation of the 9th Street right-of-way

16. Successors and Assigns. This Agreement shall binding upon the successors and assigns of the parties that shall run with the land.

17. Disclaimer. This Development Plan is not intended by the parties to be a final Development Agreement for the Subject Property. This Development Plan is intended to serve as a guide for the overall development of the Subject Property. Developer acknowledges that as Developer receives future site plan approvals from the City for different portions of the Subject Property, a separate Development Agreement will be required to be entered into between the City and Developer. Future Development Agreements will contain specific conditions of approval and other requirements pertaining to that particular phase of the development of the Subject Property.

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.: _____

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: September 12, 2002

Subject: Request to vacate Street/Order Public Hearing – Franklin Street Row between 1st Street East and the Mississippi River.

REQUEST

Alan Gear has requested the vacation of the Franklin Street ROW north of 1st 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.

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.

RECOMMENDED ACTION

Motion to approve first reading and order a public hearing for October 7, 2002.

ATTACHMENTS

- Location Map
- Application

Franklin St Vacation Request

MISSISSIPPI RIVER

Legend



Water



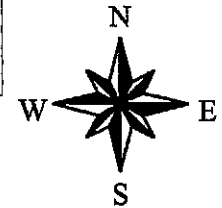
Buildings



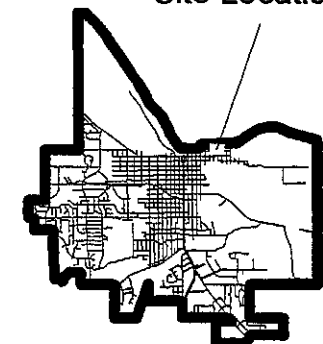
Parcels



CITY OF HASTINGS



Site Location



CHESTNUT ST

FRANKLIN ST

1ST ST E

WAS

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: 901 1st St E

Legal Description of Property Involved: Property North Franklin Ave - PDW

Applicant:
Name AIANU GEAR
Address 901 1st St E
Phone _____
Fax _____

Official Use Only	
Date Rec'd	<u>8/19/02</u>
File No.	
Fee Paid	<u>\$100.00</u>
Rec'd by	<u>[Signature]</u>
Ordinance #	
Section	

Council 9/3/02 - PH
Council 9/16/02 - vote

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

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

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

would like to vacate lot so I
could have extra room to build
a safe play area for my children
to play in

Alan Gear 8.19.02
Signature of Applicant Date

Signature of Owner Date

Memorandum

To: Honorable Mayor and City Council members
From: Charlene Stark
Date: 09/11/02
Re: Budget adjustments

To increase Aquatic centers concessions program for budget. This budget was added after the adoption of the 2002 budget.

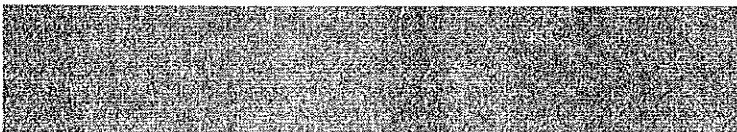
Budget adjustments requested:

\$25,000 Cost of merchandise 201-401-4151-6254

\$37,000 Concessions revenue 201-401-4151-5442

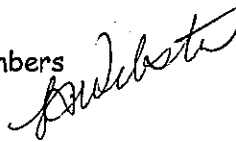
Council Action Requested

Authorize the above 2002 budget adjustments.



MEMO

TO: Honorable Mayor and City Council members
FROM: Lori A. Webster, Finance Director
RE: 2002 Operating fund transfers
DATE: September 11, 2002



The 2002 Improvement projects are funded primarily through General Obligation Bonds but are also funded through a variety of other sources. Other funding sources include Municipal State Aid funds, and funds from the City's Enterprise operations: Wastewater and Water - for replacements.

At this time, to assist with cash flow while the City awaits the bond proceeds and municipal state aid funds, we are asking for authorization for an initial transfer from both the Water and Wastewater funds as follows:

Transfer \$ 200,000 from Wastewater fund to 2002 Construction Fund
Transfer \$ 100,000 from the Water fund to the 2002 Construction Fund

These amounts are based upon the preliminary 2002 Improvement Project Funding Summary prepared by Tom Montgomery. In addition to these amounts, council has previously approved a \$500,000 transfer from Wastewater and \$100,000 from Water.

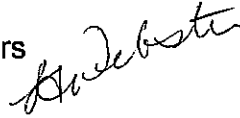
As always, should you have any questions on this information, please feel free to contact me.

Council Action Requested

Authorize the above 2002 transfers from the Water and Wastewater funds into the 2002 Construction fund.

***** INFORMATIONAL MEMO *****

To: Honorable Mayor and City Council members
From: Lori A. Webster, Finance Director
RE: Quotes for processing Statement Utility bills
Date: September 12, 2002



In March of this year City Council authorized staff to pursue statement billing for the City's Utility bills. This authorization was based upon several items recommended by the Finance committee. With a statement bill the postcard format will only be used for the second notice. The statement format will be a full page and will include a return envelope. A rough draft is attached as a sample for your information. We hope to have a sample back in time to publish an example in the next city newsletter.

As part of the recommendation to implement the statement billing council also authorized staff to pursue outsourcing the process of folding, stuffing and mailing the bills as the City does not that the proper equipment to complete this task. We are now asking for council authorization to solicit quotes for this service.

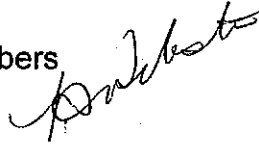
If you should have any questions regarding this information, please feel free to contact me.

Council action requested

Authorize staff to obtain quotes to outsource the folding, stuffing and mailing process of the utility billing function.

MEMO

To: Honorable Mayor and City Council members
From: Lori A. Webster, Finance Director
RE: Cost Allocation Plan
Date: September 12, 2002



You may be aware of some significant changes in the MN Statutes regarding fees for plan review, development and, permits. New reporting requirements are also being required of municipalities on these items, also due to new laws. (Please see attached)

The reporting requirements, which requires the City to also report costs, would involve costs that our current accounting system does not reflect. In order to accommodate this – a cost allocation system should be implemented. A cost allocation plan provides a method for the City to charge to departments the their true costs of operation. Items that are currently “invisible” are primarily the overhead costs for utilities, depreciation, and “rent” . These are the types of costs that need to be allocated to all departments.

I am requesting that the City Council authorize the hiring of our city auditors for this task – to assist the finance staff in implementing a cost allocation plan for the the City. This item is proposed to be paid form the contingent budget line item int eh legislative budget – as it will benefit the whole city. Also, I would estimate that it will be in the \$ 5,000 expense range.

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

Council action requested

Authorize staff to obtain the City auditors to develop a Cost Allocation Plan for the City.

NEW LAWS

ANNUAL REPORT - MS 16B.685

Beginning with the first report filed by April 1, 2003, each municipality shall annually report by April 1 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

PLAN CHECK FEES - MS 16B.6, SUBD. 1

...The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 16B.75. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

PERMIT FEE LIMITATION ON MINOR RESIDENTIAL IMPROVEMENTS MS 16B.665

A municipality as defined in section 16B.60, subdivision 3, or a town may not charge a permit fee that exceeds \$15 or 5 percent of the cost of the improvement, installation, or replacement, whichever is greater, for the improvement, installation, or replacement of a residential fixture or appliance that:

- (1) does not require modification to electric or gas service;
- (2) has a total cost of \$500 or less, excluding the cost of the fixture or appliance; and
- (3) is improved, installed, or replaced by the homeowner or a licensed contractor.

DEVELOPMENT FEES - MS 462.353, Subd. 4.

A municipality may prescribe fees sufficient to defray the costs incurred by it in reviewing, investigating, and administering an application for an amendment to an official control established pursuant to sections 462.351 to 462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed shall must be by ordinance and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed. A municipality shall adopt management and accounting procedures to ensure that fees are maintained and used only for the purpose for which they are collected.

If a dispute arises over a specific fee imposed by a municipality related to a specific application, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal under section 462.361. An approved application may proceed as if the fee had been paid, pending a decision on the appeal.

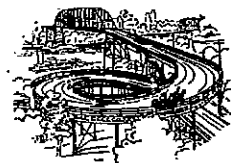
LIMITED LICENSE FEES ON AMUSEMENT MACHINES - MS 449.15

A home rule charter or statutory city may impose by ordinance a license fee on amusement machines of no more than the demonstrated and verifiable actual cost of issuing the license or \$15 per location plus \$15 per machine.

MEMO

To: Honorable Mayor and City Council
From: Tom Montgomery
Date: September 11, 2002
Re: Resolution – Advance Encumber Municipal State Aid Funding

Council is requested to adopt the enclosed resolution requesting an advance in Municipal State Aid funds for this year's 18th St. and General Sieben Dr. State Aid projects. The advance encumbrance request is for \$750,000. The City is allotted approximately \$300,000 per year to our Municipal State Aid construction account. This advance will be repaid from the City's 2003, 2004 and part of the 2005 allotments. The City has used this process in the past to fund large State Aid projects such as CR 42, Pine St., and Tyler Street improvements.



CITY OF HASTINGS

CITY OF HASTINGS
Dakota County, Minnesota

Resolution No.

**RESOLUTION REQUESTING AN ADVANCE ENCUMBRANCE
FROM THE GENERAL STATE AID CITY FUNDS**

WHEREAS, the city of Hastings has obtained the Commissioner's approval of the plans for the following Municipal State Aid Street Projects in 2002 which will require State Aid funds in excess of those available in its State Aid Construction Account,

- S.A.P. No. 130-127-05, 18th St. from Hwy 61 to Pine St., consisting of street reconstruction, sidewalk, storm sewer, and sewer and watermain replacement.
- S.A.P. No. 130-136-02, General Sieben Dr. from 4th St. to the South Frontage Road, consisting of street widening, traffic signal modifications, sidewalk, storm sewer, and landscaping improvements.

AND, WHEREAS, said City is prepared to proceed with the construction of these said projects through the use of advance encumbrances from the general State Aid Construction Account to supplement the available funds in their State Aid Construction Account, and

WHEREAS, repayment of the funds so advanced by the municipality will be made in accordance with the provisions of Minnesota Statutes 162.14, Subdivisions 6 and Minnesota Rules, Chapter 8820.

NOW, THEREFORE, BE IT RESOLVED: That the Commissioner of Transportation is hereby requested to approve this advance for financing said approved Municipal State Aid Street Projects of the City of Hasting in an amount up to \$750,000 in accordance with Minnesota Rules 8820.1500, Subparagraph 9, and to authorize repayments from the following years' accruals to the Construction Account of the Municipal State Aid Street fund for said City.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 16th DAY OF SEPTEMBER, 2002.

Ayes:

Nays:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko, City Clerk

CERTIFICATION

I hereby certify that the above is a true and correct copy of a Resolution duly passed, adopted and approved by the City Council of the City of Hastings on September 16, 2002.

Melanie Mesko Lee, City Clerk

(SEAL)
City of Hastings

Pay Request #3

02-2 18th st reconstruction
 SAP 130-127-05
 September,2002 Pay Request

Item	Unit	Unit Price	Partial Estimate Quantity	Total
Clearing	Tree	3000.00	1	\$3,000.00
Grubbing	Tree	2750.00	1	\$2,750.00
Remove Sewer Pipe	LF	8.00	504	\$4,032.00
Remove Concrete curb and gutter	LF	3.00		\$0.00
Remove Bit Curb	LF	1.00		\$0.00
Remove Concrete sidewalk	SY	10.00		\$0.00
Remove concrete drwy pavement	sy	1.50		\$0.00
Remove bit pavement	sy	1.50		\$0.00
Remove catch basin /manhole	Each	300.00	5	\$1,500.00
Common excavation	cy	6.00		\$0.00
Subgrade excavation	cy	5.00		\$0.00
Granular borrow-lv	cy	5.80		\$0.00
Topsoil borrow-lv	cy	8.00		\$0.00
Salvaged Agg from stockpile-millings-lv	cy	4.50		\$0.00
Salvaged topsoil from stockpile	cy	2.00		\$0.00
Salvaged topsoil -ev	cy	4.50		\$0.00
Agg Base CI-5	ton	6.95		\$0.00
Mill Bit Surface	SY	1.50		\$0.00
Type mv4 mix-wear course	ton	30.00		\$0.00
Type mv3 non-wear course mix	ton	26.50		\$0.00
Irregular width paving	sy	10.30		\$0.00
Bituminous material for tack coat	gal	1.75		\$0.00
Connect to exist storm	Each	325.00	2	\$650.00
Adjust gate valve box	Each	75.00		\$0.00
Adjust curb box	Each	110.00		\$0.00
1' gate valve box sect. Over curb box	Each	76.00		\$0.00
Adjust frame & ring casting	Each	225.00		\$0.00
Connect to exist mh or cb	Each	750.00		\$0.00
4" concrete walk	sf	2.70		\$0.00
Concrete curb & gutter b618	LF	7.10		\$0.00
6" concrete drwy pavement	sy	31.00		\$0.00
Xsplant tree 2-6" CAL Decid.	Tree	300.00		\$0.00

Tree Protection	Each	100.00		\$0.00
Root barrier	LF	20.00		\$0.00
Inlet protection	Each	50.00	1	\$50.00
Sodding type lawn	sy	2.50		\$0.00
24"RC Pipe Sewer Des 3006 CL III	LF	29.00	199	\$5,771.00
54" RC Pipe Sewer Des 3006 CL III	LF	109.85	437	\$48,004.45
Construct drainage structure des 48"-4020	Each	1180.00	1	\$1,180.00
Construct drainage structure des 108"-4020	Each	8478.00	4	\$33,912.00
Total September,2002 18th reconstruct SAP				\$100,849.45

02-2 18th St.	Remove curb stop & box	ea	50.00		\$0.00
Non-participating	Remove mh-san sew	ea	300.00	2	\$600.00
September 2002 Pay Request	Salvage CI pipe	lf	5.00		\$0.00
	Salvage gate valve	ea	200.00		\$0.00
	Salvage hydrant & valve	ea	300.00		\$0.00
	Connect to ex san sew	ea	350.00	3	\$1,050.00
	Reconnect san sew services	ea	135.00		\$0.00
	8" x 4" pvc wye	ea	25.30		\$0.00
	4" pvc sdr 26	lf	10.80	63	\$680.40
	8" outside drop	lf	195.00		\$0.00
	8" DIP CL-52 0-10'depth	lf	56.00	160	\$8,960.00
	8" pvc sdr 35 10-12' depth	lf	49.00	669	\$32,781.00
	8" pvc sdr 35 12-14' depth	lf	54.00		\$0.00
	8" pvc sdr 35 14-16' depth	lf	54.00		\$0.00
	8" pvc sdr 35 16-18' depth	lf	64.00		\$0.00
	connect to ex wm	ea	369.00		\$0.00
	reconnect water service	ea	216.00		\$0.00
	hydrant 8' bury	ea	2380.00		\$0.00
	3/4" corp stop	ea	26.00		\$0.00
	8" gv	ea	704.00		\$0.00
	6" gv	ea	501.00		\$0.00
	3/4" curb stop box	ea	56.00		\$0.00
	3/4" type "K" coper pipe	lf	9.15		\$0.00
	6" wm ductile iron cl-52	lf	18.10		\$0.00
	8" wm ductile iron cl-52	lf	20.50		\$0.00
	construct san mh	ea	2727.00	3	\$8,181.00

extra depth mh over 0-10' depth	lf	82.00		\$0.00
rock excavation	cy	21.00		\$0.00
Tota; September 2002 18th St. non-participating				\$52,252.40

02-3 21st & Eddy
September, 2002 Pay Request

Clearing	Tree	3000.00	10	\$30,000.00
Grubbing	Tree	2750.00		\$0.00
Remove bit. Curb	LF	1.00	265	\$265.00
Remove Conc Sidewalk	SY	10.00		\$0.00
remove bit pavement	SY	1.50	1628	\$2,442.00
remove curb stop & box	Each	50.00	2	\$100.00
remove drainage structure	Each	500.00	1	\$500.00
salvage cl pipe	LF	5.00	25	\$125.00
Remove MH(San Sew)	Each	300.00		\$0.00
salvage gate valve	Each	200.00	1	\$200.00
Rock Exc(Hammering)	CY	21.00	1334.5	\$28,024.50
granular borrow	CY	5.80	1500	\$8,700.00
Mill Bit Surf	SY	1.50	1397	\$2,095.50
salvaged random rip rap	CY	35.00	4	\$140.00
aggregate base cl 5	ton	6.95	107	\$743.65
type mv4 mixture wear course	ton	30.00	48	\$1,440.00
type mv3 non wear course mix	ton	26.50	52	\$1,378.00
Rec San Sew Services	Each	135.00		\$0.00
12" rc pipe sewer des 3006 cl III	LF	21.00	32	\$672.00
18" rc pipe sewer des 3006 cl III	LF	26.86	286	\$7,681.96
connect to ex mh	Each	1052.50	1	\$1,052.50
reconnect san sew srvc	Each	135.00	10	\$1,350.00
8x4 PVC Wye	Each	25.30	10	\$253.00
4" PVC Sdr 26	LF	10.80	244	\$2,635.20
8" PVC SDR 35 10-12	LF	49.00		\$0.00
8" PVC SDR 35 12-14	LF	54.00	255	\$13,770.00
8" pvc sde 35 14-16' depth	LF	54.00	230	\$12,420.00
8" outside drop	LF	195.00	9	\$1,755.00
connect to ex wm	Each	369.00	4	\$1,476.00
Reconn Water Serv	Each	216.00	4	\$864.00
8" dip cl 52 0-10' depth	LF	56.00	15	\$840.00

3/4" Corp Stop	Each	26.00	2	\$52.00
6" gate valve	Each	501.00	2	\$1,002.00
3/4" curb stop box	Each	56.00	2	\$112.00
adjust curb box	Each	110.00		\$0.00
3/4" type "K" copper pipe	LF	9.15	87	\$796.05
6" wm ductile iron cl -52	LF	18.10	24	\$434.40
construct drainage structure 48" 4020	Each	1180.00	1	\$1,180.00
Const San Mh	Each	2727.00	2	\$5,454.00
const drainage structure 24" x 36"	Each	746.00	1	\$746.00
xtra depth mh over 0-10" depth	LF	82.00	6	\$492.00
Tree Prot	Each	100.00	1	\$100.00
Lower Water Serv	LF	15.35		\$0.00
18"FES	Each	613.63	1	\$613.63
outfall structure	Each	20500.00	1	\$20,500.00
18" flapgate	Each	3400.00	1	\$3,400.00
cl-5 rip rap	ton	31.50	36.82	\$1,159.83
Total September,2002 21st& Eddy				\$156,965.22

02-4 19th ST
September,2002 Pay Request

Clearing	Tree	3000.00	0	\$0.00
Grubbing	Tree	2750.00		\$0.00
Rem Bit Curb	LF	1.00		\$0.00
Mill Bit Surf	SY	1.50		\$0.00
Tree Prot	Each	100.00		\$0.00
Total September,2002 19th St				\$0.00

02-5 Ashland
September 2002 Pay Req.

Remove Bit Curb	LF	1.00	2490	\$2,490.00
remove sewer pipe - storm	LF	8.00	244	\$1,952.00
remove bit pavement	SY	1.50	1278	\$1,917.00
remove drainage structure	Ea	500.00	1	\$500.00
remove mh-san sew	Ea	300.00	1	\$300.00
salvage cl pipe	LF	5.00	20	\$100.00
rock excavation (hammering)	cy	21.00	183.5	\$3,853.50

granular borrow (lv)	cy	5.80	565.78	\$3,281.52
salvaged agg from stockpile millings	cy	4.50	48	\$216.00
agg base cl 5	ton	6.95	108	\$750.60
Clearing	Tree	3000.00		\$0.00
Grubbing	Tree	2750.00		\$0.00
Mill Bit Surface	SY	1.50	4572	\$6,858.00
type mv4 mix wear course	ton	30.00	50.2	\$1,506.00
type mv3 non wear course	ton	26.50	62.5	\$1,656.25
concrete outlet structure (incl rebar)	Ea	20500.00	1	\$20,500.00
flap gate for 42" rc pipe	Ea	4100.00	1	\$4,100.00
42" rc pipe sewer des 3006 cl III	LF	70.75	151	\$10,683.25
connect to ex mh (san)	Ea	1052.50	1	\$1,052.50
reconnect san sew services	Ea	135.00	2	\$270.00
8" x 4" pvc wye	Ea	25.30	2	\$50.60
4" pvc sdr 26	LF	10.80	49	\$529.20
8" pvc sdr 35 12'-14' depth	LF	54.00	168	\$9,072.00
connect to existing wm	Ea	369.00	2	\$738.00
lower water service	LF	15.35	76	\$1,166.60
lower ex 12" wm (incl 12" dip)	LF	127.00	21	\$2,667.00
const drainage structure des 66" 4020	Ea	2306.00	1	\$2,306.00
random rip rap cl 5	ton	31.50	36.8	\$1,159.20
Tree Protection	Ea	100.00		\$0.00
				\$0.00
Total September 2002 Ashland				\$79,675.22

02-6 Southview

September, 2002 Pay Req

Clearing (1)	Acre	5000.00		\$0.00
Grubbing(1)	Acre	5000.00		\$0.00
Rem Sew Pipe (storm)	LF	8.00		\$0.00
Rem C&G	LF	3.00		\$0.00
Rem Conc Dwy Pavement	SY	1.50		\$0.00
Rem CB or Mh	Each	300.00		\$0.00
Salv CI Pipe	LF	5.00		\$0.00
salv Wooden Fence	LF	30.00		\$0.00
Salv Hyd & Valve	Each	300.00		\$0.00
Comm Ex (P)	CY	6.00		\$0.00

Subg Excv	CY	5.00		\$0.00
topsoil borrow-lv	CY	8.00	93.30	\$746.40
Agg Base CL 5	Ton	6.95	1963.00	\$13,642.85
type mv3 non wear course mix	Ton	26.50	1395.11	\$36,970.42
Mill Bit Surf	SY	1.50		\$0.00
18" RC pipe apron w trashgrd	Each	613.63		\$0.00
30" RC pipe apron w trashgrd	Each	1212.48		\$0.00
12" RC Pipe Sew des 3006 c/V	LF	21.00		\$0.00
15" "	LF	22.10		\$0.00
18" "	LF	24.86		\$0.00
30" "	LF	43.60		\$0.00
reconn San sew serv	Each	135.00		\$0.00
Conn to Ex MH (san)	Each	1052.50		\$0.00
10x4 PVC Wye	Each	79.15		\$0.00
4" Pvc Sdr 26 San serv pipe	LF	10.80		\$0.00
10" pvc sdr 34 10-12	LF	50.25		\$0.00
" " 12-14	LF	55.25		\$0.00
" " 14-16	LF	55.25		\$0.00
" " 16-18	LF	65.25		\$0.00
" " 18-20	LF	75.25		\$0.00
4" insulation board	SY	15.15		\$0.00
hyd 8' bury	Each	2380.00		\$0.00
6" gate valve	Each	501.00		\$0.00
const drain structure 48"	EAch	1180.00		\$0.00
" " 54"	Each	1392.00		\$0.00
" " 60"	Each	2132.00		\$0.00
const drain structure 24x36	Each	746.00		\$0.00
random rip rap	Ton	31.50		\$0.00
concrete c & g b618	LF	7.10		\$0.00
6" concrete drwy pavement	SY	31.00		\$0.00
Salv Agg from stockpile (mill) (lv)	CY	4.50		\$0.00
Conn to Ex WM	Each	369.00		\$0.00
1" Curb Stop & box	Each	67.50		\$0.00
1" type k copper pipe	LF	11.50		\$0.00
1" corp stop	Each	33.50		\$0.00
Lower 8" wm	LF	115.00		\$0.00
6" Dip Cl 52	LF	18.10		\$0.00

8" dip CI 52	LF	20.50	\$0.00
inlet protection	Each	50.00	\$0.00
02-6 Southview Pay req			\$51,359.67

Total September,2002 Pay Request #3			\$441,101.96
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8" dip CI 52	LF	20.50	\$0.00
inlet protection	Each	50.00	\$0.00
02-6 Southview Pay req			\$51,359.67

Total September,2002 Pay Request #3 **\$441,101.96**

Amount of Pay Estimate #1 \$367,777.40

Amount of Pay Estimate #2 \$281,730.55

Total Payments to Date **\$1,090,609.91**

m:\construction projects\2002\pay request\September 2002

MEMORANDUM

To: Mayor Werner & City Councilmembers
From: Melanie Mesko Lee, Administrative Assistant/City Clerk
Date: September 12, 2002
Re: Approve First Reading & Order Public Hearing for Amendment to
Chapter 5.71—Massage Therapists & Massage Therapist
Establishments

Council Action Requested

Council is requested to approve the first reading and order 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.

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.

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 31st 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.

RECEIVED

VI-14

AUG 29 2002

August, 26, 2002

Mary Theis
1994 Oak Street
Hastings, MN 55033
Home Phone: 651-437-0020
mary.theis@smead.com

To whom it may concern,

I would like to bring to your attention two heavily traveled areas on Highway 61 that needs to be recognized. The first of these two areas is at the entrance of Kings Cove Marina. The second intersection is at Hub's Landing on Highway 61 in Hastings; just North of the Mississippi River Bridge. To enter onto Hwy. 61 South from King's Cove, the driver must calculate both North and South bound traffic and cross two lanes of 60-mph Northbound traffic and immediately turn Southbound onto two lanes of 60-mph Southbound traffic coming downhill. There is not a median between the four lanes where a driver can cross and wait. The Southbound traffic merges into one lane just before the Hastings bridge and the traffic must immediately reduce their speed from 60-mph to 40-mph. Traffic often stops suddenly at this bottleneck at the bridge.

In addition, there are no acceleration lanes for vehicles turning right onto the Hwy. 61 from both King's Cove Marina or Hub's Landing, thus creating a hazard for those trying to merge into 60+ mph traffic. This stretch of four-lane highway is busy at all times of the day. This time of year is the worst because there are so many boaters coming in and out of both marinas. From Kings Cove, there are 450 slips alone, not to mention the families that guests of the boat owners. Furthermore, with the road construction in Newport, people that are traveling to and from Wisconsin who would normally be traveling Hwy. 61 are now taking Highway 55 instead and are passing through this already busy area.

The reason for my grave concern is due to recently being involved in an accident on Friday, August 2nd, while trying to exit King's Cove Marina to go Southbound. My car was a total loss, not to mention the major damages to the other vehicle. I was fortunate enough to be able to walk away from this accident. The next person that gets hit at either of these two uncontrolled intersections may not be so lucky. My Insurance Agent who filed my claim said he was familiar with these intersections and doesn't even live near Hastings.

For the sake of all those people who travel this stretch of highway, please consider researching these areas posted 60-mph speed limit. Also, taking a close look at possible entrance lanes going Northbound from King's Cove Marina and Southbound from Hub's Landing. There is also the matter of a widening the median at King's Cove between the two opposing lanes of traffic. I suggest that decreasing speed limit from 60-mph at the top of the hill by The Point Restaurant to 45 mph and then decrease it again from 45-mph to 30-mph on the North side of the Hastings's bridge. This may help with having to dodge both the North and Southbound traffic. Thank-you for your time.

Sincerely,

Mary Theis

Cc: Bill King Jr., Kings Cove Marina
Mn.Dot
Hastings City Council
Hub's Landing

Dave Oxburg

Resolution #

**Resolution of The City Council of The City of Hastings
Requesting the Minnesota Department of Transportation to
Conduct the Necessary Study to Determine
Appropriate Safety Improvements on State Highway #61
Between the Hastings Bridge and State Highway #10**

Whereas, Minnesota State Highway #61 between the Hastings Bridge and Minnesota State Highway #10 has several dangerous intersections as access points to commercial and recreational areas and is a highly traveled area; and

Whereas, The absence of acceleration lanes and a safe median in State Highway #61 has the potential to reduce significantly the safety of the drivers; and

Whereas, Vehicles are traveling at high speeds throughout this area of State Highway #61, thus increasing the likelihood of traffic accidents; and

Whereas, The City of Hastings would seek improvements in the area to reduce the traffic hazards on State Highway #61; and

NOW, THEREFORE BE IT RESOLVED, By the City Council of the City of Hastings that it Hereby Requests the Minnesota Department of Transportation to Conduct the Necessary Study to Determine the Appropriate Safety Improvements on State Highway #61 Between the Hastings Bridge and State Highway #10, to include, but not be limited to the following considerations:

- 1.) Reduce the Speed Limit
- 2.) Installation of Acceleration lanes on Highway #61
- 3.) Widening of the median.

Adopted by the City Council of the City of Hastings, this 16th Day of September, 2002.

Ayes:

Nays:

Michael D. Werner
Mayor

Melanie Mesko Lee
City Clerk

-seal-

MEMORANDUM

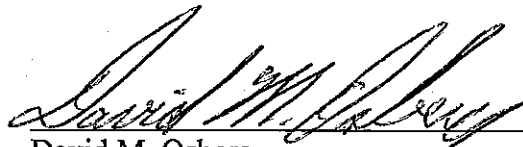
TO: Honorable Mayor and City Councilmembers
FROM: Dave Osberg, City Administrator
DATE: September 12, 2002
SUBJECT: Insurance and Risk Management Contract for Services

Recommended City Council Action

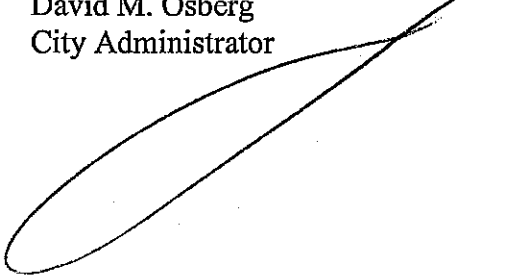
Staff would recommend that the City Council take action approving an agreement with the McGuire Agency and Dave Dotson as the City of Hastings Agent on behalf of the City's insurance through the League of Minnesota Cities Insurance Trust.

Background

In November, 1999 the City of Hastings solicited proposals for the services of an agent of record for the City of Hastings insurance program through the LMCIT. At that time, four proposals were received, and the City Council took action approving a three year agreement with Dave Dotson and the David Agency. The arrangement expires on January 1, 2003. Approval of the three year agreement, effective January 1, 2003, with the \$800.00 adjustment is recommended. Dave Dotson has been a valuable asset to the City, in seeking insurance coverage, assisting with claims, and risk management review.



David M. Osberg
City Administrator



THE MAGUIRE

A G E N C Y

September 5, 2002

Mr. Dave Osberg
City Administrator
City of Hastings
101 E. 4th St.
Hastings, MN 55033

RE: Insurance and Risk Management Contract for Services

Dear Dave,

Thank you for taking the time to meet with me and Matt Clysdale of the Maguire Agency. One of the main focuses of our discussion was the ease of communication between your staff and mine, and how there appears to be a level of comfort between all persons involved. We all agreed that it would seem logical to pursue the continuation of the contract for services between the two parties. With this in mind I would like to request a three-year extension of the agreement between the City of Hastings and myself, for the above services.

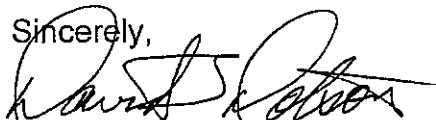
The present agreement, which will expire on January 1, 2003, is for services to be provided at a rate of \$12,000 per year, for three years. I would request that the contract be renewed at a rate of \$12,800 per year, for the next three years. Please review the proposed agreement, as enclosed, and call with any questions.

You had indicated that you would place this matter on the agenda of the next council meeting. Please advise of the outcome of this process following the council meeting.

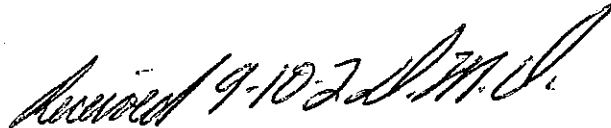
With the recent merger of my customers to the Maguire Agency, we have not yet printed our Hastings letterhead. You may continue to correspond with me at 1310 Vermillion Street. My email address is ddotson@magency.com.

Thank you for the opportunity to be of service.

Sincerely,



David S. Dotson



Insurance & Risk Management Services

P.O. Box 64316 • St. Paul, MN 55164-0316 1935 West County Road B2 • Suite 241 • Roseville, MN 55113
Phone 651.638.9100 1.800.666.9393 Fax 651.638.9762

FEE FOR SERVICES AGREEMENT

THE CITY OF HASTINGS hereinafter "Client" agrees to engage the services of Maguire Agency, Inc. hereinafter known as "Agency".

Agency agrees, as a function of their business as Insurance Agents, or as Insurance Brokers, to advise Client in the management of risks of loss generally covered by property and casualty insurance, fidelity and surety bonds, and to procure or attempt to procure on Client's behalf such insurance as Client may designate, subject to the following terms and conditions:

I. EFFECTIVE DATE AND TERM

This Agreement shall begin on JANUARY 1, 2003 and shall continue until JANUARY 1, 2006, and thereafter shall continue from year to year. Either party may terminate this Agreement at any time by giving written notice of termination.

II. OBJECTIVE OF AGREEMENT

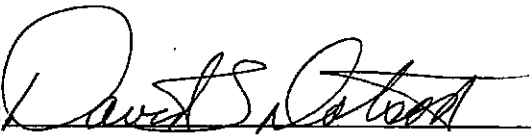
Agent will employ its technical knowledge and its knowledge of general and specific market conditions in the assumption of such insurance management functions as Client and Agent mutually deem to be appropriate. Client understands that Agent will act in the dual capacity of risk management counselor and insurance agent and/or broker.

III. BASIS OF COMPENSATION

The fee for consulting services provided by employees of Agent during each year of the three-year agreement will be \$12,800. The fee is payable quarterly. This fee pertains to all LMCIT coverages and is in lieu of commissions.

The Agent/Agency will receive standard commissions on all hydro facilities policies placed in the standard insurance marketplace.

Maguire Agency, Inc.

By: 

Date: _____

By: X
(FOR THE CITY OF HASTINGS)

Date: _____

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: Dave Osberg, City Administrator
DATE: September 12, 2002
SUBJECT: McGuire Mechanical Mediation Settlement

Recommended City Council Action

It is the recommendation of City Staff that the City Council take action approving a Mediation Settlement Agreement with McGuire Mechanical due to a contract dispute at the Joint Maintenance Facility. The settlement calls for payment in the amount of \$20,000, with \$10,000 to be contributed by Graus Construction, and \$4,000 by the League of Minnesota Cities Insurance Trust, and \$5,000 by TKDA, with the City contributing \$1,000. Said settlement amounts will be paid through the necessary change order documentation processing, which Staff would recommend be approved with this action, to allow for prompt payment, upon completion of the change order documents.

Background

On Thursday August 29, 2002 Marty McNamara and I participated in a mediation session regarding a contract dispute involving the construction of the Joint Maintenance Facility. The dispute involved work performed by McGuire Mechanical Services, alleging that they performed work, and were not paid by the City, through the general contractor, Graus Construction. TKDA was the architect/engineer on the project. Representatives from Graus Construction were in attendance at the mediation session. Our attorney through the League of Minnesota Cities, Pete Regnier was also in attendance. Mark Rossow, a Claims Manager from the League of Minnesota Cities Insurance Trust was also in attendance. The mediation session was conducted by attorney John Harens, at his law offices in downtown Minneapolis. A brief description of the dispute is as follows:

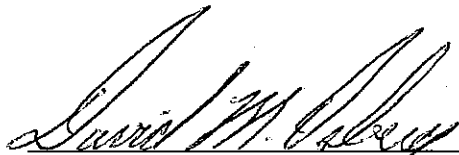
All of the bidders on the Project were provided an advertisement for bids, and instructions, which specifically provided that the bidding documents consist of drawings, specifications, and the contracts. As in every project, the bidders are advised specifically to satisfy themselves of the accuracy of the site and the bidding documents, including the drawings and specifications. The bidders are responsible for examining all bidding documents thoroughly, prior to submittal of their bid. Graus was the general contractor, and McGuire was a sub-contractor to Graus.

McGuire is disputing the basis for the language in an addendum that suggests that there bid should have included a "deduct", when in fact, it was meant to be an option for the City to consider. In addition, McGuire was claiming that they were not required to provide a certain piece of equipment. The piece of equipment was Hotsy hot water heater. McGuire could not see in the specifications where they were specifically required

to provide that. McGuire was told to look at the drawings which specifically referenced the Hotsy Unit. For that reason, their request for any additional payment was denied.

These are very brief descriptions of the issues at hand. The total amount of the claim by McGuire was \$47,812, plus about \$7,000-\$8,000 in attorneys fees.

Throughout the mediation on Thursday August 29, 2002, Pete Regnier represented the City, through the League of Minnesota Cities Insurance Trust. Mark Rossow, a Claims Manager from the League of Minnesota Cities Insurance Trust was also present. Throughout the course of the mediation session, it became clear that neither party was going to convince the other of the validity of their position. Thus, it became a matter of discussing a possible settlement, to "make this go away." All three parties (Graus, McGuire and the City) would have expended money in excess of the amount of the claim, in the pending court proceeding. Therefore, all parties, through work with the mediator, reached the settlement, in which McGuire Mechanical will receive \$20,000, with Graus contributing \$10,000, and on behalf of the City, the LMCIT will contribute \$4,000, and TKDA will contribute \$5,000. The City will be responsible for \$1,000, as our portion of the deductible. The payment to McGuire through Graus will be through change orders, while the contribution by TKDA will be as a "credit" on outstanding bills due to TKDA.



David M. Osberg
City Administrator

**DEVELOPMENT AGREEMENT FOR
RIVERWOOD 7TH 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 7th 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

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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 7th 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 7th Addition.

2. *Parties Authority to Sign.* Developer, Nowicki and Co-Trustees warrant to the City they have full authority to enter into this Development Agreement and perform the conditions herein contained. Developer, Nowicki and Co-Trustees further warrant that this Development Agreement will be recorded against the Subject Property before any of the Subject Property is transferred or encumbered in any way.
3. *Density.* The Subject Property has been approved for 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 OHWL) within Lot , Block 1 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. 36th Street Right-of-Way. The public right-of-way for 36th Street shall be dedicated across the entire portion of the Subject Property.
12. Irrigation Systems. Any irrigation systems installed on lots containing two or more residential units, shall have a separate water meter and separate water line installed for any irrigation system.
13. Site Grading. 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.
14. 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.

15. 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.

16. 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.

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: September 16, 2002

Subject: Public Hearing - Rezoning #2002-68 to rezone property from R-3, Medium-High Density Residence to C-1, General Commerce at 1030 North Frontage Road -- Gerald Denn Estate

REQUEST

The City Council is asked to hold a public hearing to consider an ordinance amendment to rezone 0.68 acres located between Highway 55 and the North Frontage Road from R-3, Medium High Density Residence to C-1, General Commercial. The change is requested by the Gerald Denn Estate.

The City Council held a first reading and authorized hearing notice publication at the September 3, 2002 meeting. Before any commercial uses could be constructed on this site, a site plan review before the Planning Commission and Council would need to be approved.

RECOMMENDATION

The Planning Commission unanimously voted to recommend the rezoning at the August 26, 2002 meeting with limited discussion. No one spoke for or against the item during the public hearing. The rezoning is consistent with the comprehensive plan, has access to a road designed for commercial traffic, and is adjacent to other C-1 zoned property.

ATTACHMENTS

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

BACKGROUND INFORMATION

Comprehensive Plan Classification

The request is consistent with the 2020 Comprehensive Plan designation of C-Commercial. Adjacent commercial uses and vacant land are also guided for C – Commercial development.

Zoning Classification

The existing residential zoning classification precludes construction of commercial uses. A rezoning is necessary to develop the property for a commercial use. A listing of permitted and special uses in the C-I district is attached.

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	N. Frontage Road Ponding Basin	A, Agriculture	P - Public
East	Vacant Lot	R-3, Med-High Den Res	C-Commercial
South	Highway 55 Vacant Lot	O-1, Office	O - Office
West	Riverbend Pet Hospital	C-1, General Commercial	C-Commercial

Existing Condition

The existing site is generally flat with a home and a detached garage.

ORDINANCE NO. _____, SECOND SERIES

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

OFFICIAL ZONING MAP

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

Subdivision 1. The following described property is hereby zoned from R-3, Medium Density Residence to C-1, General Commercial

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

The South seventy-five (75) feet of the West Forty (40) feet of Lot Eight (8); The South Seventy-five (75) feet of Lots Nine (9) and Ten (10); All of lots Eleven (11) and Twelve (12); and The West Forty (40) feet of Lot Thirteen (13); All in Block Forty-eight (48) of Addition Number Thirteen tot he City of Hastings according to the plat thereof on file and of record in the office of the Registrar of Titles in and for said County and State aforesaid;

Together with the East Thirty-three (33) feet of vacated Ash Street adjacent thereto.

ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2002.

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/ City Clerk

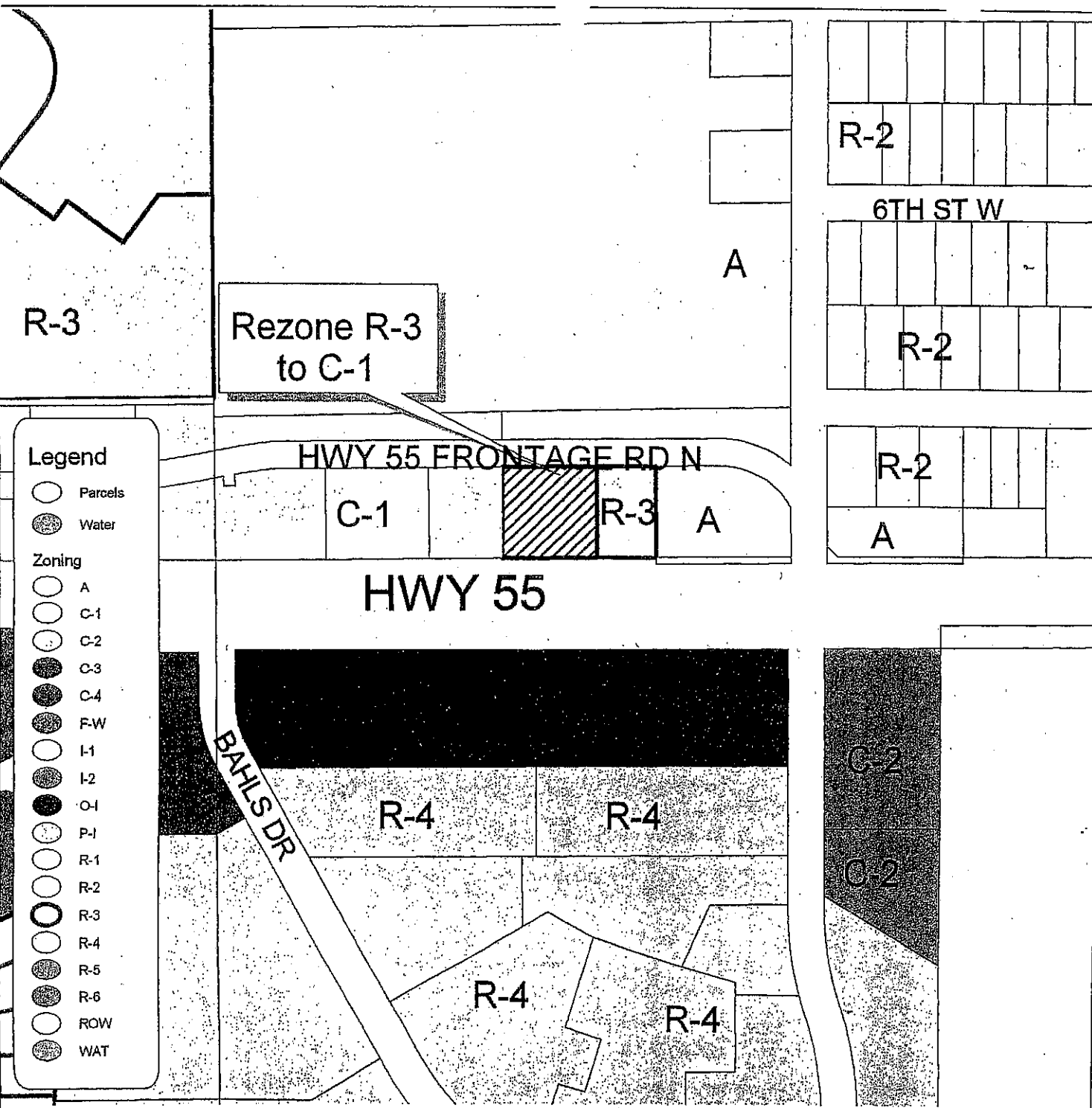
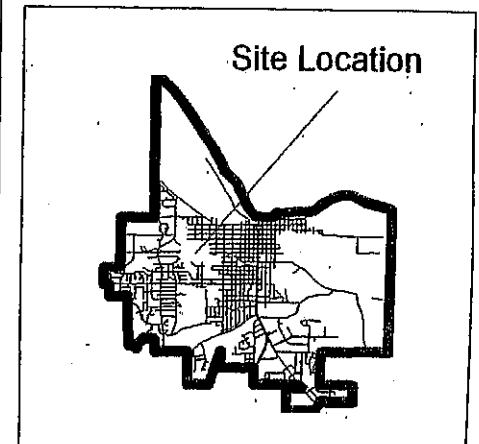
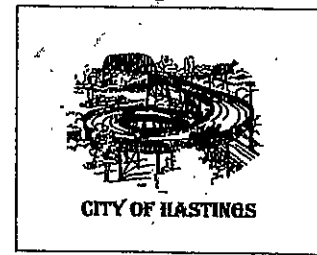
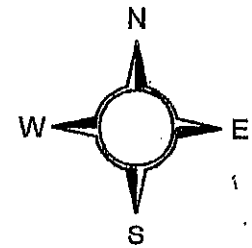
I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the ____ day of _____, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko Lee, Administrative Assistant/ City Clerk

(SEAL)

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

1030 North Frontage Road Rezoning R-3 to C-1



SECTION 10.18. C-1 - GENERAL COMMERCE.

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

SUBD. 2. PERMITTED USES.

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

SUBD. 3. USES BY SPECIAL PERMIT.

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

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

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

SUBD. 2. USES PERMITTED.

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

SUBD. 3. USES BY SPECIAL PERMIT.

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

#2002-68

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: 1030 North Frontage Road, Hastings, Minnesota

Legal Description of Property Involved: See attached Legal Description

Applicant:

Name Estate of Gerard Denn
Address c/o Gerald J. Denn, P.R.
1010 West 4th Street, Hastings, MN
Phone (651)437-3959

FAX _____

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

Owner (If different from Applicant):

Name Same as above.
Address _____
Phone _____

Request: _____
Rezone: \$250
Comp Plan Amend: _____
Site Plan: _____
Variance: _____

Special Use: _____
Subdivision: _____
Vacation: _____
Other: _____
TOTAL: \$250

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

Applicant requests that property be rezoned to C-1 - General Commerce classification to allow Applicant to request an Administrative Boundary Lot/Line Adjustment resulting in the western portion of the property being incorporated with the adjoining parcel to the west. The current zoning classification of the property is R-2 Medium Density Residence.

ESTATE OF GERARD DENN

BY:

Gerald J. Denn PR 8-6-02
Signature of Applicant Date
Gerald J. Denn, Personal Representative

Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: September 16, 2002

Subject: 2nd Reading – Rezoning R-3 to C-1: Denn Property (1030 North Frontage Rd)

Please see Public Hearing Staff Report for further information.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: September 16, 2002

Subject: South Pines IV – Final Plat #2002-73 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 home.

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
- Planning Commission Minutes ~ August 26, 2002
- Location Map
- Final Plat
- Preliminary Plat Phasing Plan
- Application

BACKGROUND INFORMATION

Comprehensive Plan Classification

The use conforms to the Comprehensive Plan Land Use designation of U-I – 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:

	Preliminary Plat – Phase I	Final Plat
Single Family	57	35
Twin Home	52	56
Total Units	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 37th 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 4TH 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 37th 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 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.

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 16th day of September, 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

- 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 3rd 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.

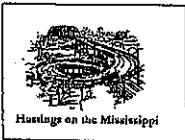
(Staff note: No cul-de-sac is being created. This plat is the second half of a U-shaped road.)

Planning Commission Action:

Commissioner Michno moved and Commissioner Twedt seconded the motion to recommend approval of the Century South 3rd 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.

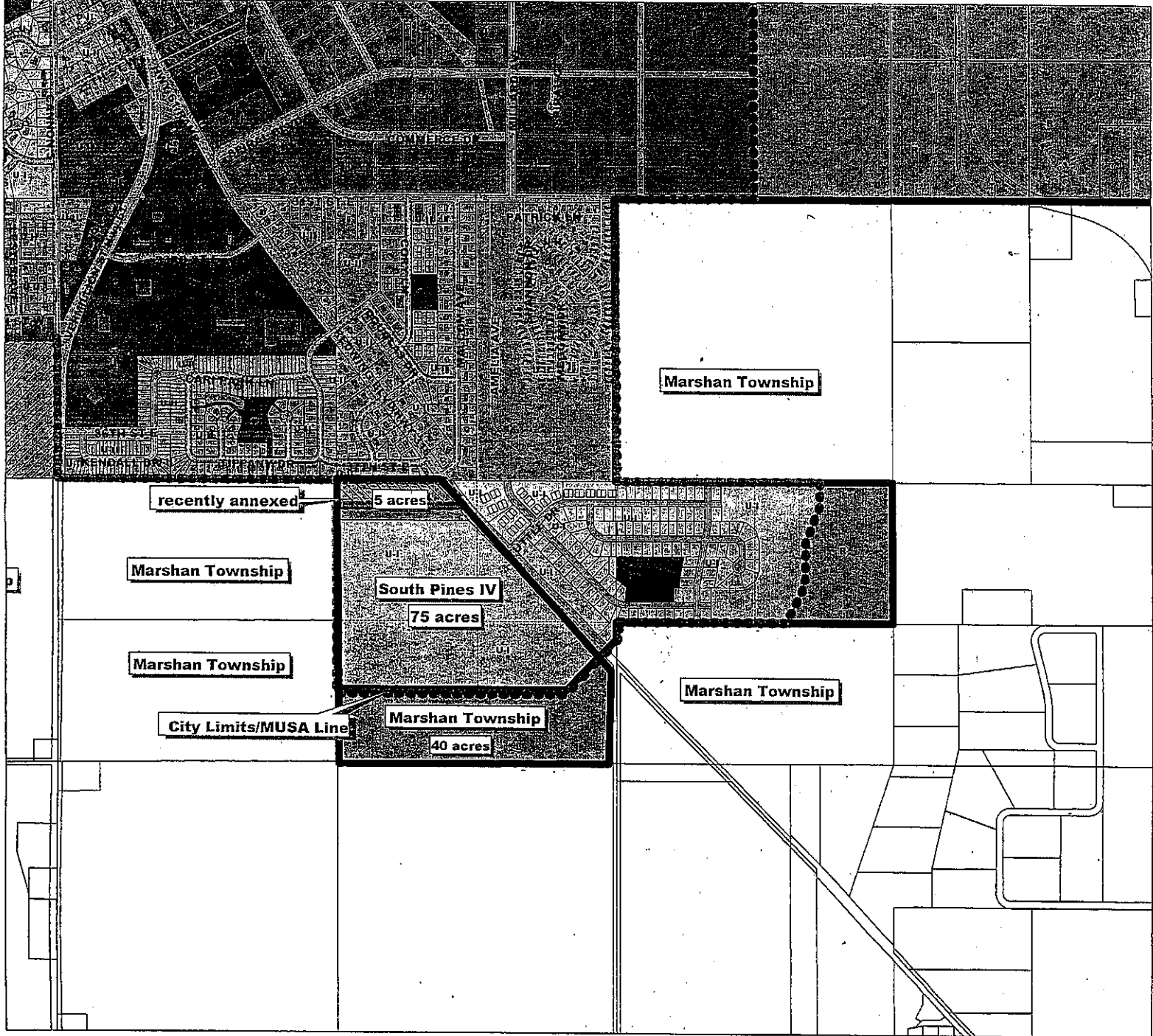
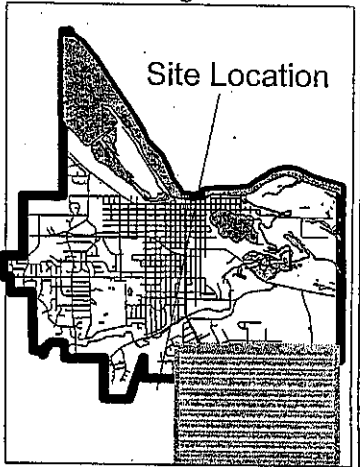
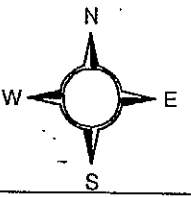
South Pines IV Site Location Comp Plan



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



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. Hertogs and Shirley J. Hertogs, husband and wife, Paul W. Lawrence and Dolores Lawrence, husband and wife, William J. Cril and Mary A. Cril, husband and wife, and McManomy 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 Northeast corner of the said Southeast Quarter (SE1/4); thence South an odd West line 240.29 feet; thence South 89 degrees 07 minutes 23 seconds East for a distance of 1213.35 feet, more or less, to the centerline of State Trunk Highway No. 316; thence Northwesterly along road centerline for 319.40 feet, more or less, to the North line of said Southeast Quarter; thence North 89 degrees 07 minutes 23 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 of the Northwest corner of said Southeast quarter (SE1/4); thence South an odd West line 240.28 feet; thence South 89 degrees 07 minutes 23 seconds East for a distance of 1213.35 feet, more or less, to the centerline of State Trunk Highway No. 316; thence Northwesterly along road centerline for 319.40 feet, more or less, to the North line of said Southeast quarter (SE1/4); thence North 89 degrees 07 minutes 23 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 minute 20 seconds East, (assuming that the east line of said Southeast Quarter has a bearing of North), along the east line of said Southeast Quarter, a distance of 1470.21 feet to the point of beginning of the road to be described; thence South 03 degrees 01 minute 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 07 minutes 23 seconds West, along the south line of said Southeast Quarter, a distance of 232.48 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 880.00 feet; thence South 89 degrees 07 minutes 23 seconds East, a distance of 2106.21 feet to the intersection with a line bearing South 43 degrees 12 minutes 42 seconds East, a distance of 880.36 feet to the point of beginning.

Now intend 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, sidewalks, parks, 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 or street 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. Hertogs and Shirley J. Hertogs, husband and wife, have hereunto set their hands this _____ day of _____ 20____.

Samuel H. Hertogs

Shirley J. Hertogs

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

Paul W. Lawrence

Dolores Lawrence

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

William J. Cril

Mary A. Cril

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

By _____

By _____

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. Hertogs and Shirley J. Hertogs, husband and wife.

Notary Public, _____ County, Minnesota

My Commission Expires _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20____, by Paul W. Lawrence and Dolores 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. Cril and Mary A. Cril, husband and wife.

Notary Public, _____ County, Minnesota

My Commission Expires _____

STATE OF _____

COUNTY OF _____

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

Notary Public, _____ County, Minnesota

My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as SOUTH PINES 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 shown in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on said plat and there are no wet lands, as defined in Minnesota Statutes, Section 563.02, Subd. 1, or public highways to be designed on said plat, other than as above.

Alex K. Sanford, Land Surveyor

Minnesota License Number 15473

STATE OF _____

COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____ 20____, by Alex K. Sanford, Land Surveyor, License Number 15473.

Notary Public, _____ County, Minnesota

My Commission Expires January 31, 2008

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 3530.05, 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____ of _____ o'clock _____ M., and was duly recorded in Book _____ on page _____.

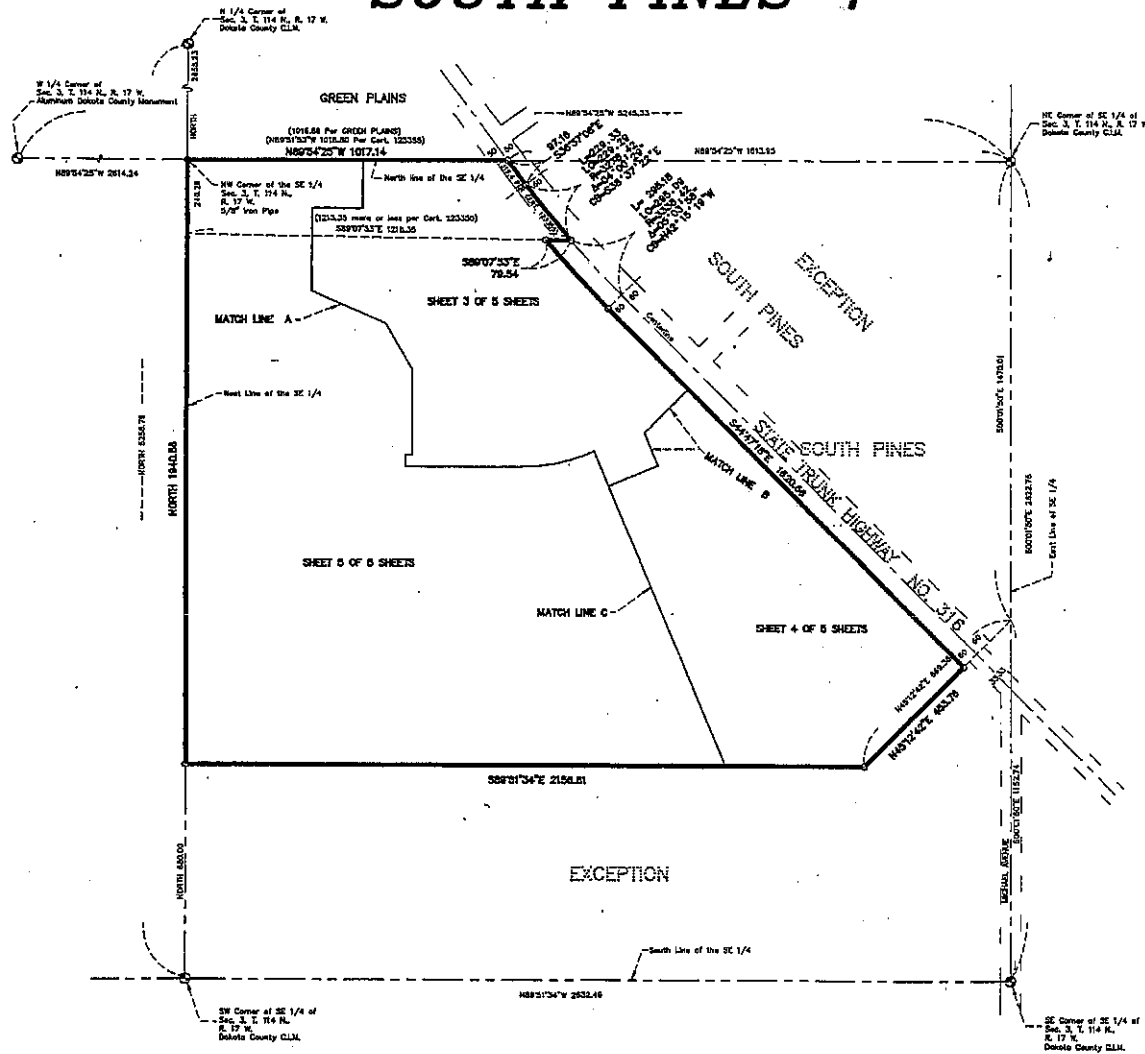
By _____

Registrar of Titles, Dakota County, Minnesota

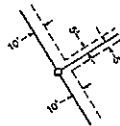
SHEET 1 OF 5 SHEETS



SOUTH PINES 4



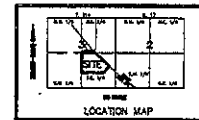
DRAINAGE & UTILITY EASEMENTS ARE SHOWN THUS:



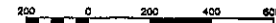
Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width, unless otherwise indicated, and adjoining street lines as shown on the plat.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES MONUMENTS TO BE SET ACCORDING TO MINNESOTA STATUTES, AND SHALL BE IN PLACE ON OR BEFORE 3/4 12TH DAY OF AUGUST, 2004.

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 15474.
- 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.

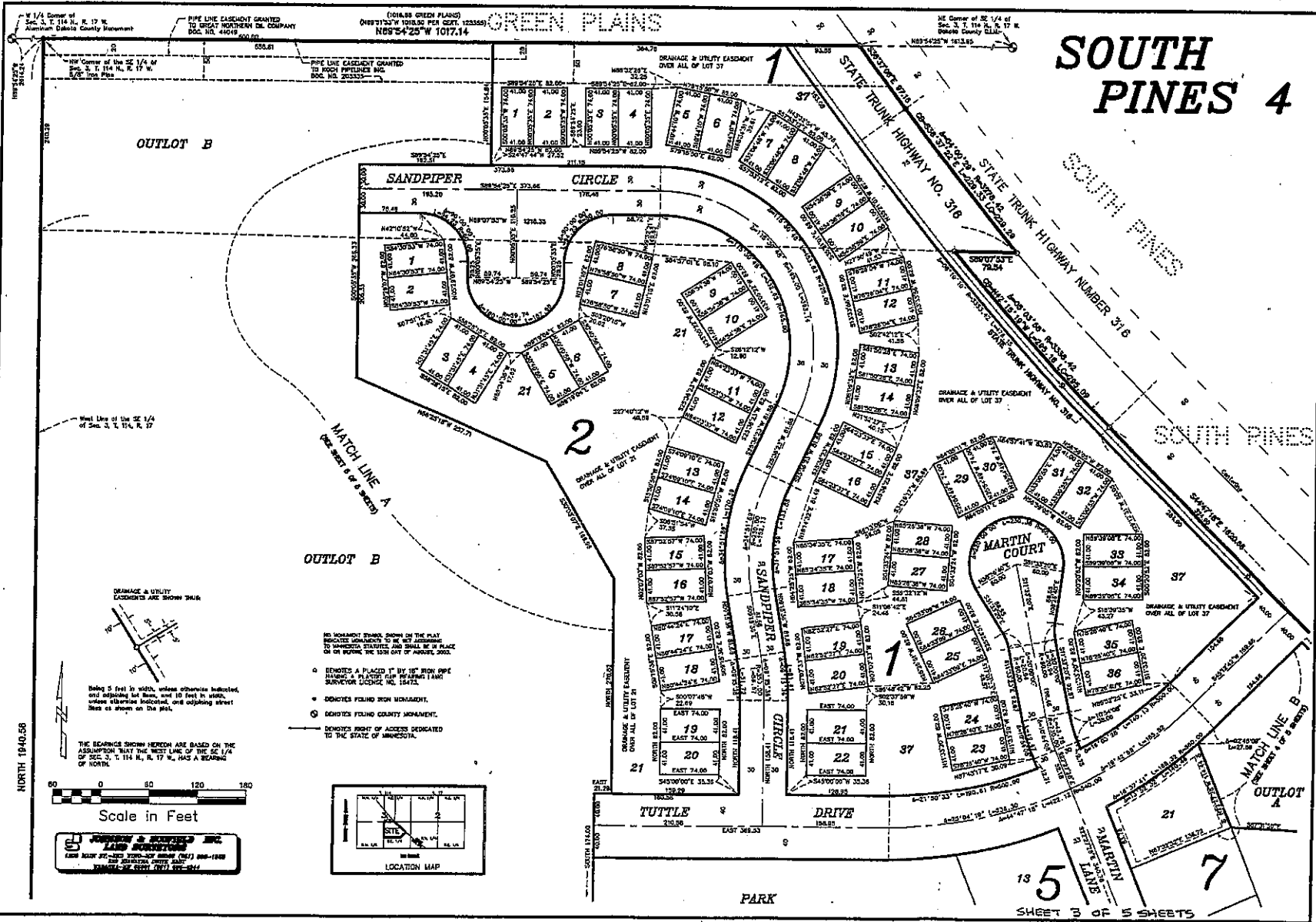


Scale 1" = 200'

MINNESOTA & ROCKWELL INC.
LAND SURVEYORS
 1800 HALL ST. - 2ND FLOOR - ST. CLOUD (MN) 56301-1400
 FOR RESUME, PORTFOLIO
 TELEPHONE: (800) 357-7244

SOUTH PINES 4

GREEN PLAINS



(OWNER GREEN PLAINS)
 01891731'N 1018.00'W CORNER, 1233589
 N69°54'25" W 1017.14

NE Corner of SE 1/4 of
 Sec. 3, T. 114 N., R. 17 W.
 Grant County, Wis.
 8435.22' W 112.45'

PIPE LINE EASEMENT GRANTED
 TO GREAT NORTHERN CO. COMPANY
 BOC. NO. 44019 500.00'

PIPE LINE EASEMENT GRANTED
 TO POON PIPELINES INC.
 BOC. NO. 50235

NE Corner of the SE 1/4 of
 Sec. 3, T. 114 N., R. 17 W.
 Grant County, Wis.
 8435.22' W 112.45'

DRAINAGE & UTILITY EASEMENT
 OVER ALL OF LOT 2

DRAINAGE & UTILITY EASEMENT
 OVER ALL OF LOT 37

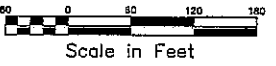
DRAINAGE & UTILITY EASEMENT
 OVER ALL OF LOT 37

- NO MONUMENT SHOWN ON THE PLAT
 INDICATES MONUMENTS TO BE SET ACCORDING
 TO GENERAL STATUTES AND SHALL BE IN PLACE
 OR BE WITHIN THE 100 FOOT SETBACK ZONE.
- DENOTES A PLAIN IRON PIPE MARK - A PLAIN IRON PIPE MARK SURVEYOR DESIGN, NO. 15471.
 - DENOTES FOUNDED IRON MONUMENT.
 - ⊙ DENOTES FOUND COUNTY MONUMENT.
 - DENOTES RIGHT OF ACCESS DEDICATED TO THE STATE OF MINNESOTA.

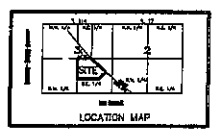
DRAINAGE & UTILITY
 EASEMENTS ARE SHOWN SHAIR

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.

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

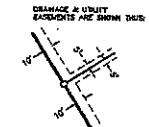
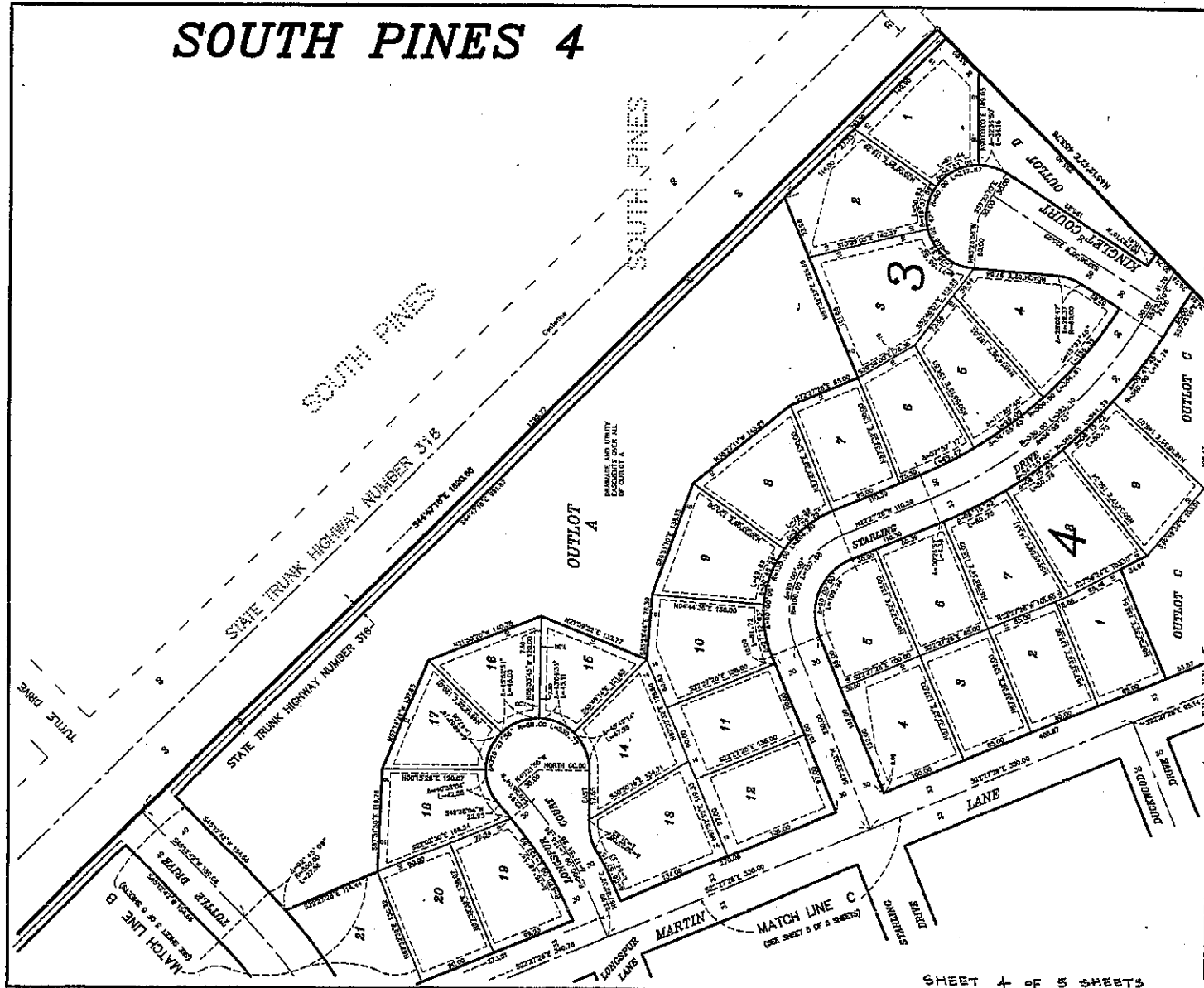


JOHNSON & JOHNSON INC.
LAND SURVEYORS
 1200 NORTH 3RD STREET - SUITE 200 MINNAPOLIS, MN 55412
 TEL: 612.339.1234 FAX: 612.339.1235
 WWW.JOHNSON-SURVEYORS.COM



NORTH 1940.56

SOUTH PINES 4



Drive 2 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width, unless otherwise indicated, and adjoining subject lots as shown on the plat.

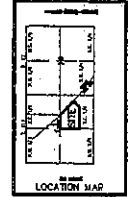
NO MONUMENT FOUND SHOWN ON THE PLAT INDICATES NECESSARY TO BE SET ACCORDING TO INTERNATIONAL SURVEYING AND SHALL BE IN PLACE ON OR BEFORE THE 10th DAY OF AUGUST, 1961.

□ DENOTES A PLATED 12" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 13472.

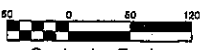
○ DENOTES FOUND IRON MONUMENT.

● DENOTES FOUND COUNTY MONUMENT.

— DENOTES RIGHT OF ACCESS REFERRED TO THE STATE OF INDIANA.



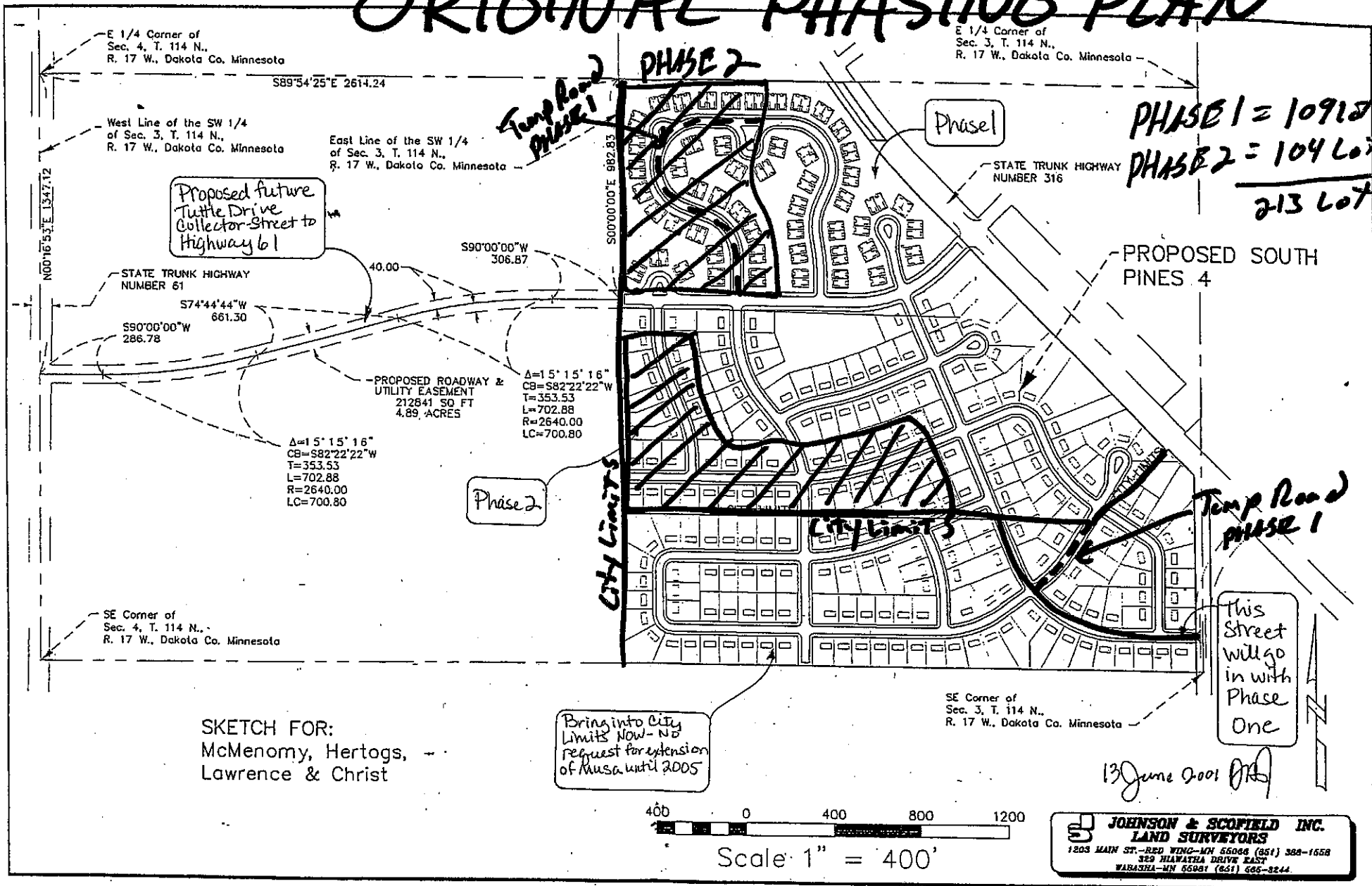
THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMPTION THAT THE WEST LINE OF THE 1/4 OF SEC. 2, T. 114 N., R. 17 W., HAS A BEARING OF NORTH.



Scale in Feet

JOHNSON & ASSOCIATES INC.
LAND SURVEYORS
1000 WEST 10th Street, South Pines, Indiana 47240
PHONE 338-1000
MAILING TO 2001 10th Street

ORIGINAL PHASING PLAN



E 1/4 Corner of Sec. 4, T. 114 N., R. 17 W., Dakota Co. Minnesota

E 1/4 Corner of Sec. 3, T. 114 N., R. 17 W., Dakota Co. Minnesota

S89°54'25"E 2614.24

West Line of the SW 1/4 of Sec. 3, T. 114 N., R. 17 W., Dakota Co. Minnesota

East Line of the SW 1/4 of Sec. 3, T. 114 N., R. 17 W., Dakota Co. Minnesota

PHASE 1 = 109125
PHASE 2 = 104 Lots

213 Lots

Proposed future Tuttle Drive Collector Street to Highway 61

S90°00'00"W 306.87

STATE TRUNK HIGHWAY NUMBER 61

S74°44'44"W 661.30

S90°00'00"W 286.78

PROPOSED ROADWAY & UTILITY EASEMENT 212641 SQ FT 4.89 ACRES

Δ=15°15'16"
CB=S82°22'22"W
T=353.53
L=702.88
R=2640.00
LC=700.80

Δ=15°15'16"
CB=S82°22'22"W
T=353.53
L=702.88
R=2640.00
LC=700.80

SE Corner of Sec. 4, T. 114 N., R. 17 W., Dakota Co. Minnesota

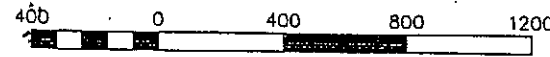
SE Corner of Sec. 3, T. 114 N., R. 17 W., Dakota Co. Minnesota

SKETCH FOR:
McMenomy, Hertogs,
Lawrence & Christ

Bring into City Limits Now - No request for extension of MUSA until 2005

This Street will go in with Phase One

13 June 2001 JAS



Scale 1" = 400'

JOHNSON & SCOTFIELD INC. LAND SURVEYORS
1203 MAIN ST. - RED WING - MN 55066 (851) 388-1658
320 HIAWATHA DRIVE EAST WARSAW - MN 55981 (851) 665-3244

#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 651-437-6611
Fax 651-437-6732

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

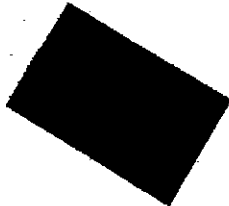
Owner (If different from Applicant):

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

Exhibit A

SOUTH

South Pines IV

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 survey 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

Planning Comm. Minutes³

- 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 37th 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.

Memo

To: Mayor Werner and City Council

From: John Hinzman, Planning Director

Date: September 16, 2002

Subject: Marilu Husman-Woodford – Variance #2002-75 to vary from lot size and lot width regulations for construction of a new home at 629 East 2nd Street

REQUEST

Marilu Husman Woodford requests approval of the following variances to Chapter 16, Section 16.05, Subd 1.2(B) – Shoreland Management Ordinance to construct a single family home at 629 2nd Street East

- 1) Construction of a home on a lot less than 15,000 square feet.
- 2) Construction of a home on a lot less than 75 feet in width.

The City Council denied the request on August 20, 2001. It appears the denial was based in part on the lack of opinion or opposition of the Department of Natural Resources. The DNR has been contacted since the denial and has stated it would not oppose the variance.

RECOMMENDATION

The Planning Commission voted unanimously to recommend approval of the variances at the September 9, 2002 meeting. Commissioners discussed lot conformance with R-2 standards, and any formal requirements prohibiting development of the property. The applicant was the only person to speak during the public hearing.

The Commission concluded that the existing lot is consistent with the typical lot size in the area. The 9,240 lot size and 66-foot lot width exceed the minimum R-2 standards of 7,000 square feet and 50 square feet, respectively. Construction of a single family home would be consistent with the development pattern of the area.

ATTACHMENTS

- Location Map
- Site Survey
- Letter from DNR
- 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.

Adjacent Zoning and Land Use

The following land uses abut the property:

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

Existing Condition

The subject property measures 66' x 153' (10,098 square feet). The site is relatively flat and treeless, but has a lower elevation than surrounding properties and is subject to stormwater ponding during some rain events.

SHORELAND MANAGEMENT REGULATIONS

Shoreland Management Regulations

Shoreland Management rules are regulated in Chapter 16 of the city code. Although the property is not adjacent to Lake Isabelle, Shoreland Management Regulations apply. 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 Variances. The DNR's opinion via correspondence with the applicant is attached.

Adjacent Duplex Lot

Lot 6, the westerly adjacent parcel is owned by the applicant and was developed as a duplex in 2001. It appears Lot 6 and the subject property (Lot 7) were assumed to be combined as one parcel in issuance of the building permit.

Duplex lots require a larger lot size and width, 26,000 square feet and 135 feet, respectively. Lots 6 and 7 combined are less than the minimum lot width and size requirement. The property owner apparently received an administrative interpretation to allow construction of the duplex on the assumption that the lots would be combined. Staff has been in contact with Dakota County regarding the status of the lots. They exist presently as two lots of record, and there is no record of any combination of the properties.

Not combining Lots 6 and 7, leaves Lot 6 much more deficient in meeting minimum Shoreland lot size and area requirements for a duplex lot, however the lot meets minimum R-2 Zoning Standards for duplex construction. It is unclear whether the duplex property (Lot 6) would be considered non-conforming to Shoreland provisions if the properties are not combined.

Changes from Previous Variance Request

The following circumstances\issues are different from the previous variance request:

- 1) The lot was previously represented as being combined with the adjacent parcel, and needed a variance in order for it to be split. Dakota County property records has been contacted regarding the status of the property. The property exists as a separate lot of record; it does not appear the property has been combined.
- 2) It appears DNR opinion was not available during the original request, and their opposition appeared likely. DNR has stated it would not object to the variance requests.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A VARIANCE FOR
629 2nd STREET EAST, HASTINGS, MINNESOTA**

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

WHEREAS, Marilu Husman-Woodford has initiated consideration of a variance request to Chapter 16.05, Subd. 1.2(B) – Shoreland Management to construct a single family home at 629 2nd Street East as follows:

- 1) Construction of a home on a lot less than 15,000 square feet
- 2) Construction of a home on a lot less than 75 feet in width.

WHEREAS, on September 9, 2002, review of the variance request was held before the Planning Commission of the City of Hastings, and is forwarded to the City Council with a recommendation for approval; and

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

That the above variance requests are hereby approved based on the following findings of fact:

1. The subject property conforms to the lot size and width requirements of the underlying zoning district
2. The lot size and width of the subject property is consistent with surrounding lots of record.

BE IT FURTHER RESOLVED, that approval is subject to the following:

1. Recommendation by the Minnesota Department of Natural Resources, and fulfillment of notification requirements of Section 16.03, Subd. 2.2 of the City Code
2. A copy of this resolution shall be filed with the Dakota County Recorder's Office by the Hastings City Clerk.

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

Adopted by the Hastings City Council on September 16, 2002 by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee, Administrative Assistant/City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 16th day of September, 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

Shoreland Variance 623/629 2nd Street E Marilu Husman

LEA ST

BASS ST

CHESTNUT ST

2ND ST E




Lake Isabel

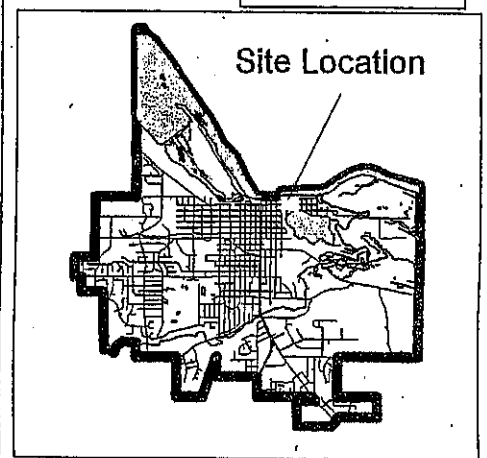
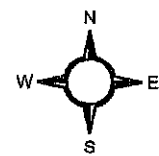
Duplex Unit

Single Family Home

Proposed single family home lot

Legend

-  Water
-  Buildings
-  Parcels



LEA STREET

152.43
N00°46'06"W

PARCEL A

65.95 MEAS.
66.00 PLAT

LOT 5

139.43 MEAS. 140.00 PLAT

TOP OF HUB
ELEV. = 699.85

15° DECID.
TREE

TOP OF HUB
ELEV. = 698.71

139.45 MEAS. 140.00 PLAT

12.00 7.00 16.00 7.00 14.00

699.2
PROPOSED
HOUSE

GARAGE

6.00 18.00 12.00

TOP OF HUB
ELEV. = 699.48

EXISTING
BUILDING

PARCEL B

PROPOSED
DRIVEWAY

LOT 6

LOT 7

N89°05'50"E
197.85 MEAS. 198.00 PLAT

131.90 MEAS. 132.00 PLAT

UTILITY
POLE

UTILITY

PROPOSED
DRIVEWAY
65.97 MEAS.
66.00 PLAT

131.93 MEAS. 132.00 PLAT

VACATED
SECOND
STREET

WATER
VALVE

139.49 MEAS. 140.00 PLAT
150.10

33

33



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

November 2, 2001

Ms. Marilu Husman
13720 110th Street South
Hastings, Minnesota 55033

RE: Lots 5, 6, and 7, Block 108, Town of Hastings, Lake Isabelle Shoreland District

Dear Ms. Husman:

Thank you for stopping by my office on October 18, 2001, to discuss your property on East Second Street in Hastings. Specifically, we discussed Lots 5, 6, and 7, Block 108, Town of Hastings, at 601, 623, and 629 East Second Street, respectively.

As I understand it, you own these three contiguous lots, two of which were combined to create "Parcel B" as depicted on a certificate of survey dated December 2, 2000. These lots lie within 1000 feet of Lake Isabelle, and are therefore subject to the provisions of the City of Hastings' shoreland ordinance. That ordinance addresses minimum lot size, impervious surface coverage, and combination of contiguous substandard lots of record in common ownership, as well as other performance standards.

You are interested in developing the three lots individually, versus the existing two parcels. To do so, variances to minimum lot size and width would be required from the city. You indicated that this matter was considered before the Planning Commission and subsequently denied earlier this year. I have no record of reviewing this prior to the Planning Commission hearing.

I recall a similar proposal before the city back in 1998 for Lots 1-4, Block 9, Barker's Addition. My recollection is that the lot split was approved, and that DNR, opposed to the original proposal, was agreeable to a modification to the variance request, and that the city eventually granted approval.

As I indicated to you, if the DNR is notified of a request for variance from lot size and width for the subject parcels, we will not object, provided all setbacks are met, and impervious surface coverage of each lot is no more than 25%.

If you were to successfully obtain the variances you seek, the resultant three lots would be approximately 10,065 square feet each, and 66 feet wide. The ordinance requires 15,000 square feet and 75-foot width (for single family), and 26,000 square feet and 135-foot width (for duplex). I'm assuming you obtained variances from lot size and width for the existing duplex on Parcel B and development on Parcel A. I do not have record in my file of those zoning actions.

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



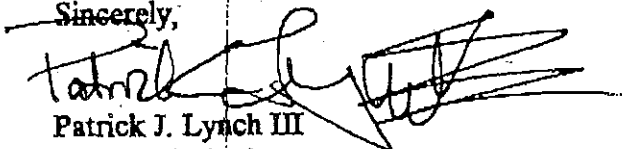
Marilyn Husman
November 2, 2001
page 2

I understand all three lots have sewer and water stubbed to them, and that the area between the lot lines and the curb, while not technically your property, is vegetated. This area amounts to nearly 5640 square feet of additional pervious surface (after subtracting two existing plus one new future driveway), which, for all practical purposes, would not be developed in the future. Plus, I understand from you that the unimproved alley at the rear of the lots (north side) is essentially vegetated.

As you know, the DNR has no approval or denial authority over these land use matters. The City of Hastings administers a shoreland zoning ordinance (based upon minimum standards developed by the state) you must satisfy (including variance procedures). I recommend you continue to work with the zoning administrator if you wish to pursue this matter further.

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

Sincerely,



Patrick J. Lynch III
Area Hydrologist

c: Matt Weiland, City of Hastings

LAND USE APPLICATION

CITY OF HASTINGS

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

Address of Property Involved: 629 E 2ND ST

Legal Description of Property Involved: _____

Applicant:

Name Daniel Thomas - Woodford
Address 43720 110th St SE
Hastings MN 55033
Phone 651 437 3130
Fax 651 437 6011

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

Owner (If different from Applicant):

Name Thomas Properties
Address as above
Phone _____

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

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

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

Variance to show second lot size

Daniel Thomas - Woodford 8/21/02
Signature of Applicant Date

Signature of Owner Date

Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: September 11, 2002

Subject: Dakota County Government Center –Site Plan Review #2002-76 to construct building addition to the Administration Center at 1560 Highway 55.

REQUEST

Dakota County seeks site plan approval to construct a 35,000 total square foot, three-story building addition at the southwest corner of the existing building, just south of the main entrance. The area is currently lawn area.

Staff is recommending approval of the site plan with the conditions listed.

BACKGROUND INFORMATION

Comprehensive Plan Classification

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

Zoning Classification

The subject property is zoned P-I, Public Institution. Governmental Buildings are a permitted use.

Adjacent Zoning and Land Use

The following land uses abuts the proposed parking lot:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Main Entrance	P-I – Public Institution	P - Public
East	Existing Building	P-I – Public Institution	P - Public
South	Parking	P-I – Public Institution	P - Public
West	Parking	P-I – Public Institution	P - Public

Existing Condition

The existing site is vacant and open. Topography slopes down approximately 12 feet from the existing entrance to the parking lot.

SITE PLAN REVIEW

History

The Human Services building encompassing 11,000 square feet was approved by the City in 1978. In 1996, a 31,000 square foot Juvenile Center addition was approved.

Exterior Elevations

The exterior elevations indicate that the addition will utilize the same building materials and colors as the existing building. A small chiller enclosure will be located in the hillside along the roadway and immediately south of the new addition.

Zoning Setbacks

The site meets the minimum setback requirements. Setbacks from perimeter roadways are:

- North – 10 feet
- East – Adjacent to existing building
- South - 12 feet
- West – 10 feet from sidewalk.

Access and Circulation

Automobile access and circulation is adequate. All site ingress and egress will be provided through existing internal roads. New public road connections are not proposed. A sidewalk would be constructed to run between the building and the roadway.

Parking

The existing buildings meet minimum parking requirements at present. The new parking lot, which was recently approved by the Planning Commission and City Council, will serve as a parking area for the cars that normally park in the lot south of the existing administration building, which will serve as a staging area for the equipment and materials needed to construct the addition.

Landscape Plan

The existing area is steeply sloped, so the only landscaping are 2 existing maple trees, which will be removed as a part of the construction of the building and Chiller Enclosure. The plans call for the planting of 5 new maple trees between the parking lot and the roadway south of the addition.

Grading and Utility Plans

Grading and utility plans have been submitted to the Engineering Dept. for review. Per the Public Works Director's request, calculations regarding stormwater capacity on the site have been submitted and are currently being reviewed. It is expected that the existing stormwater facilities on the site are more than adequate to accommodate additional runoff from the construction of the building and the parking area.

Planning Commission Recommendation

The site was unanimously recommended at the September 9, 2002 meeting.

ACTION REQUESTED

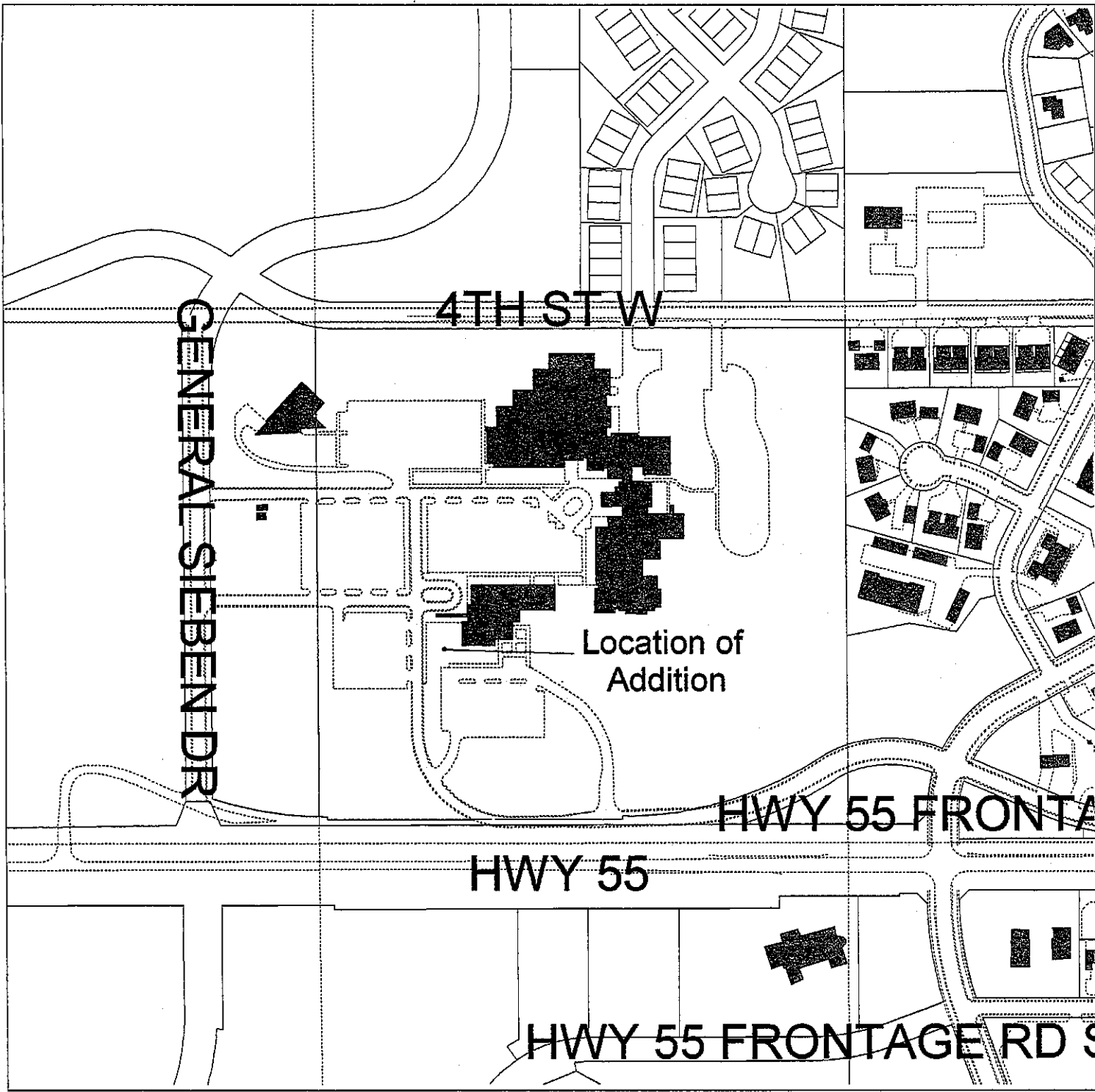
Recommend approval of the Dakota County Administration Building Expansion to the City Council, with the following conditions:

- 1) Grading and Utility Plan must be approved by the Public Works Director. Any comments must be incorporated into the approved plans.
- 2) Five Emerald Lustre Maple trees, as indicated on page C1.1, dated 8/16/02, must be planted prior to Final Occupancy being issued for the new addition.
- 3) Building Elevations conform to the exterior elevations as shown on pages A2.01 and A2.02.




ATTACHMENTS

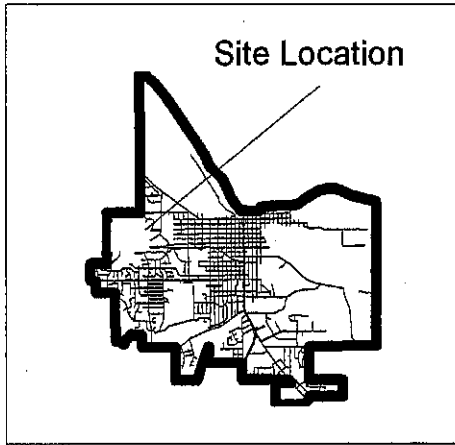
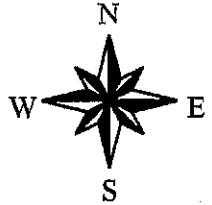
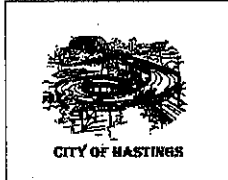
- Location Map
- Site Plan
- Application

Dakota Cty Building Addition



Legend

-  Buildings
-  Roads
-  Parcels



HASTINGS CITY COUNCIL

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE SITE PLAN OF DAKOTA COUNTY ADMINISTRATION
BUILDING EXPANSION AT THE DAKOTA COUNTY GOVERNMENT CENTER,
1560 HIGHWAY 55**

WHEREAS, Dakota County has initiated site plan approval to construct a three-story addition to the Administration Center located at the Dakota County Government Center at 1560 Highway 55; and

WHEREAS, On September 9, 2002, the Planning Commission reviewed the request in accordance with the City Code and recommended approval of the action.

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

The above described Site Plan is hereby approved subject to the following conditions:

- 1) Grading and Utility Plan must be approved by the Public Works Director. Any comments must be incorporated into the approved plans.
- 2) Five Emerald Lustre Maple trees, as indicated on page C1.1, dated 8/16/02, must be planted prior to Final Occupancy being issued for the new addition.
- 3) Building Elevations conform to the exterior elevations as shown on pages A2.01 and A2.02.

Adopted by the Hastings City Council on September 16, 2002 by the following vote:

Ayes:

Nays:

Absent:

Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee, Administrative Assistant/City Clerk

(City Seal)

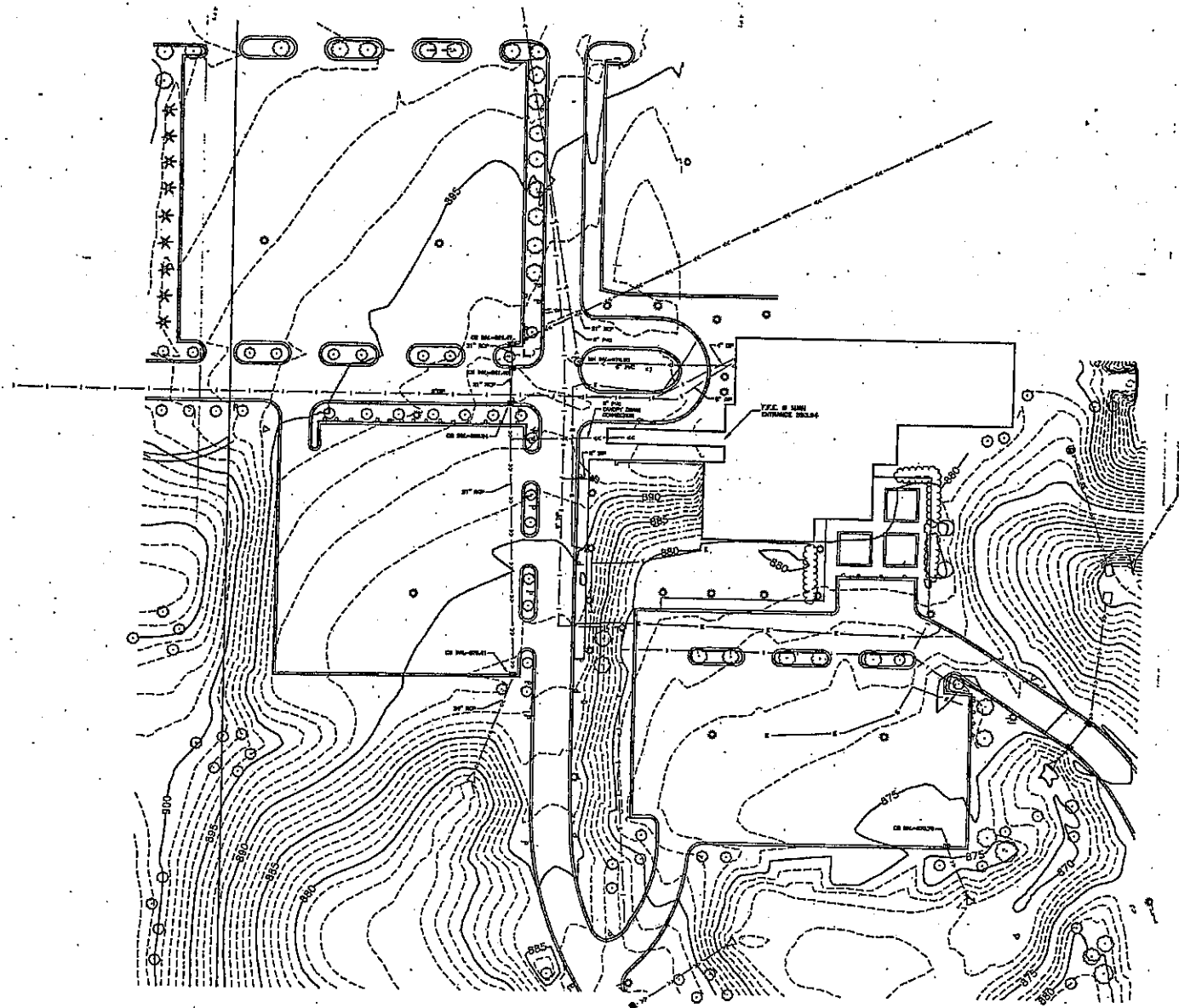
I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on September 16, 2002, as disclosed by the records of the City of Hastings on file and of record in the office.

Melanie Mesko, Administrative Assistant/City Clerk

(SEAL)

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

DAKOTA COUNTY GOVERNMENT CENTER



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.

Fred M. Johnson

FRED M. JOHNSON, LAND SURVEYOR
MINNESOTA LICENSE NO. 18182

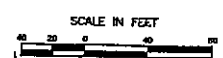
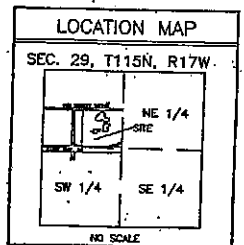
DATED THIS 9TH DAY OF August, 2002

NOTES:

- COORDINATES AND BEARINGS ARE REFERENCED TO THE DAKOTA COUNTY COORDINATE SYSTEM (N.A.D. 1983).
- ELEVATIONS ARE BASED ON 1929 N.G.V.D.

LEGEND

- UNDERGROUND ELECTRIC
- GAS LINE
- WATER MAIN
- SANITARY SEWER
- STORM SEWER
- LIGHT POLE
- UTILITY POLE
- CONTROL POINT
- ★ CONIFEROUS TREE
- DECIDUOUS TREE
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- SEWER POST
- CATCH BASIN
- FIRE HYDRANT
- GATE VALVE
- ELECTRIC BOX
- ELECTRIC MANHOLE
- CABLE TV PEDESTAL
- GAS METER
- TELEPHONE PEDESTAL



Memo

To: Mayor Werner and City Council

From: Kris Jenson, Associate Planner

Date: September 11, 2002

Subject: Michael Steinke – Variance #2002-77 to vary from minimum side yard setback requirements to construct an addition to a detached garage.

REQUEST

Michael Steinke seeks approval of a variance to the minimum side yard setback requirement of 5 feet in order to construct an addition to the rear of an existing detached garage at 920 5th Street W. The existing side yard setback of the garage is 4 feet.

Approval of the request is recommended. The proposed addition would not encroach any further into the side yard setback than the existing garage and would meet rear yard setback requirements.

BACKGROUND INFORMATION

Comprehensive Plan Classification

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

Zoning Classification

The subject property is zoned R-2 – Medium Density Residential. Duplex dwellings and detached garages are permitted uses in the R-2 District.

Adjacent Zoning and Land Use

The following land uses abut the property:

<u>Direction</u>	<u>Existing Use</u>	<u>Zoning</u>	<u>Comp Plan</u>
North	Single Family Home	R-2 – Medium Res.	U-I – Urb Res.
West	Single Family Home	R-2 – Medium Res.	U-I –Urban Res.
South	5 th Street Single Family Home	R-2 – Medium Res.	U-I – Urb Res.

East Single Family Home R-2 – Medium Res. U-I – Urb Res.

Existing Condition

The existing site has a home and a detached garage.

VARIANCE REVIEW

Non Conforming Use

The existing garage is termed a lawfully existing, non-conforming use. The home was constructed in 1957, before enactment of the zoning ordinance and establishment of minimum setback requirements. Any expansion to a non-conforming use (regardless if it does not encroach further into the setback) requires a variance.

Minimum Setback Requirements

Minimum setback requirements for accessory structures the R-2 District are:

Area	Setback
Front	20'
Side	5'
Rear	5'

A variance of 1' is required to construct this addition.

Review Criteria

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

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

in the same district, and no permitted or nonconforming use of lands, or buildings in other districts shall be considered grounds for the issuance of a variance.

PLANNING COMMISSION ACTION

The variance was recommended unanimously (6-0) at the meeting on September 9, 2002.

RECOMMENDED ACTION

Motion to recommend approval of the variance request to the minimum side yard setback for 920 West 5th Street to the City Council, based on the following findings of fact:

- 1) Construction of the home predates establishment of minimum side yard setbacks. The proposed addition would not encroach any further into the side yard setback than the existing garage.

ATTACHMENTS

- Location Map
- Site Plan
- Application

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING A VARIANCE FOR
920 WEST 5th STREET, HASTINGS, MINNESOTA**

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

WHEREAS, the Hastings City Council has initiated consideration of a variance for the following legally described property:

East ½ of Lot 14, Block 24 and all of Lot 15, Block 24, in Addition No. 13, Dakota County, Minnesota

Containing 11,002 square feet, more or less.

WHEREAS, on September 9th, 2002, a review of this variance was held before the Planning Commission of the City of Hastings, and

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

That a variance is approved for a minimum side yard setback of 4 feet at 920 West 5th Street, based on the following findings of fact:

- 1) Construction of the home predates establishment of minimum side yard setbacks. The proposed addition would not encroach any further into the side yard setback than the existing garage.

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

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

Adopted by the Hastings City Council on September 16th, 2002 by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Michael D. Werner, Mayor

Melanie Mesko Lee, Administrative Assistant/City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 16th day of September, 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

#2002-77

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: 920 W 5TH ST.

Legal Description of Property Involved: _____

Applicant:

Name MICHAEL STEINKE
Address 920 W SE ST
HASTINGS MN 55033
Phone 651-283-3261
Fax 952-829-5921

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

Owner (If different from Applicant):

Name _____
Address _____
Phone _____

Request: GARAGE ADDITION
Rezone: _____
Comp Plan Amend: _____
Site Plan: _____
Variance: X

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

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

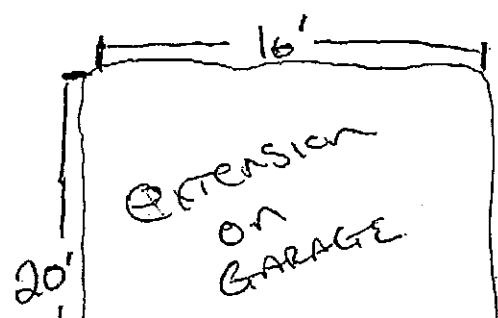
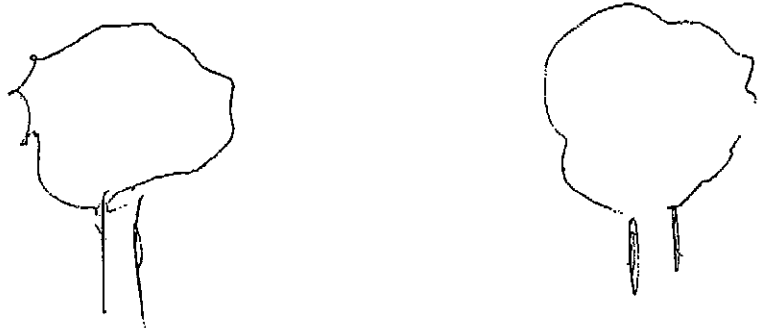
Variance to 5' sideyard setback to construct
and addition to garage.

Signature of Applicant _____ Date _____

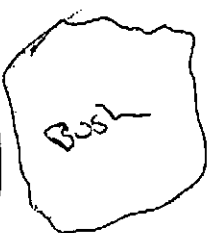
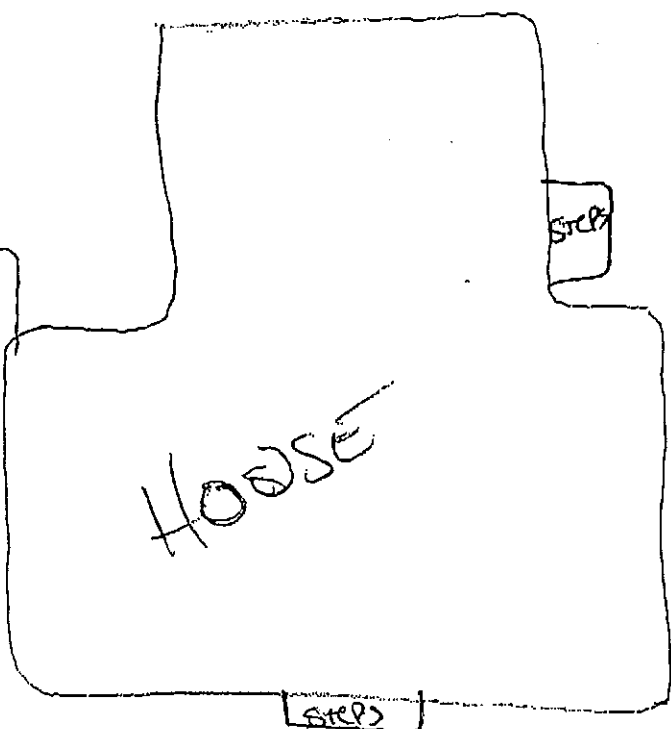
Signature of Owner _____ Date 9/3/02

Side Fence

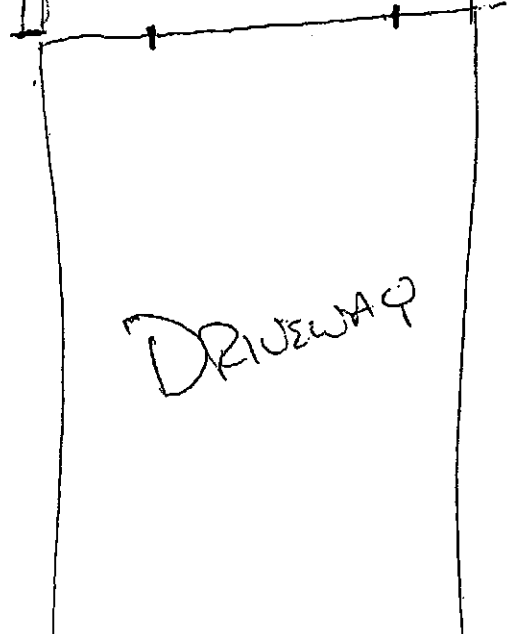
Side Fence



← Garage to fence



Bush



STEPS



F YARD

TOTAL AFTER ADDITION

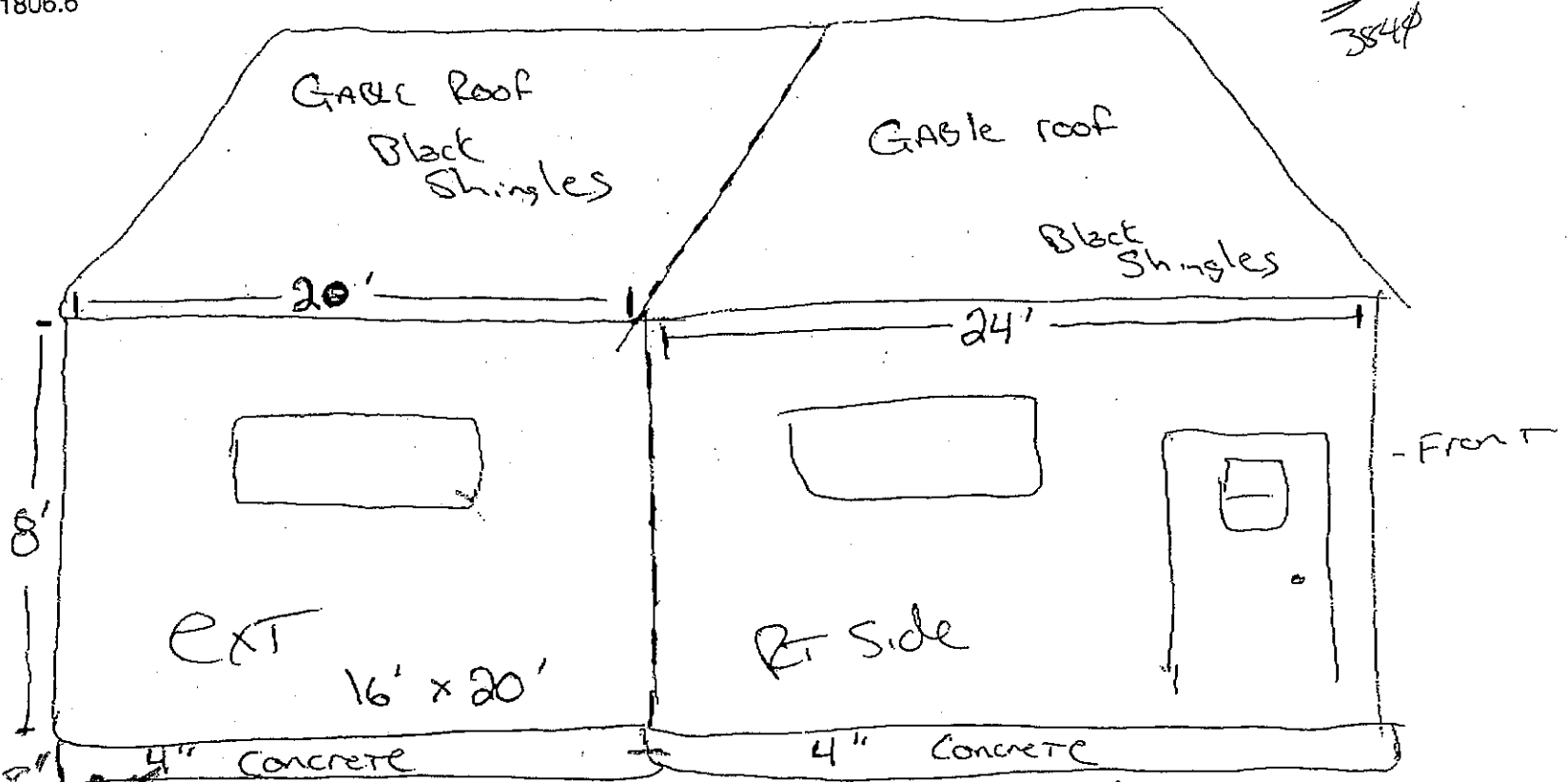
16' wide
44' LONG

704 SQ/FT

TREATED PLATES, SEALER &
1/2" DIA. ANCHOR BOLTS OR
STRAPS EMBEDDED MIN. 7"
@ 6'0" O.C. & MAX 12"
FROM PLATE ENDS
U.B.C. 1806.6

Extension
16' wide
20' Long
= 320φ

EXISTING GARAGE
16' wide
24' x Long
= 384φ






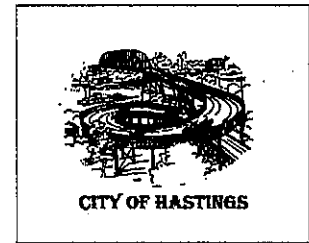
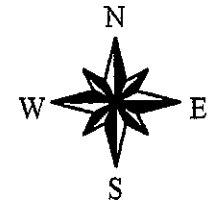
use thickened edge-check Handout

Dowel into existing slab
use #4 rebar MAX 3' O.C.

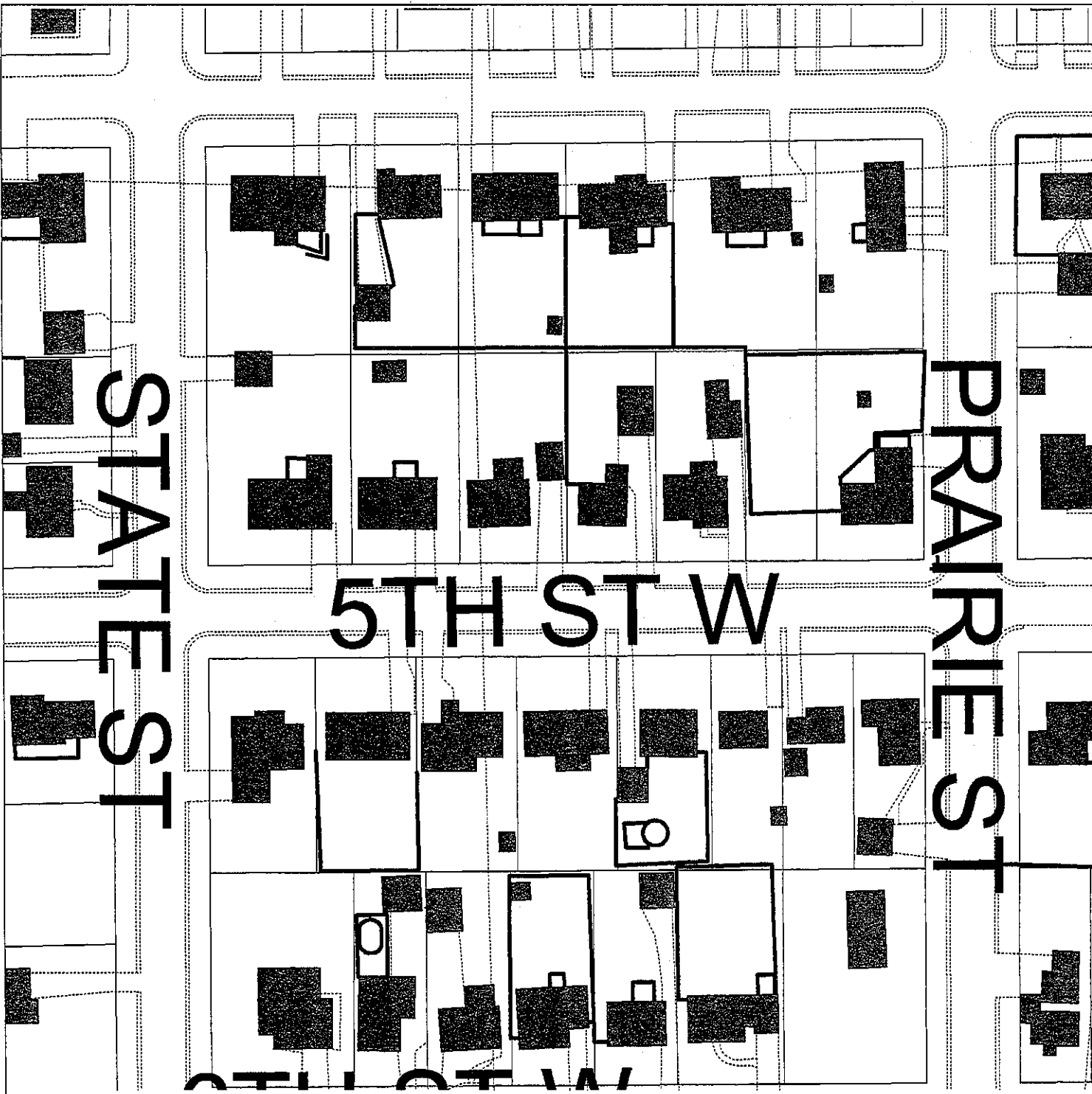
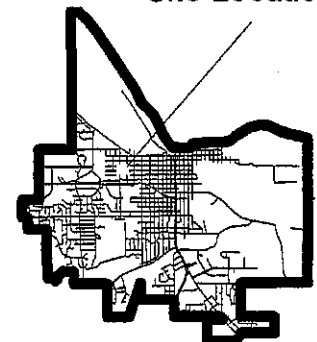
920 West 5th Street

Legend

-  Buildings
-  Roads
-  Parcels



Site Location



Memo

To: Mayor Werner and City Council
From: John Hinzman, Planning Director
Date: September 16, 2002
Subject: Site Plan Review – Quality One Expansion– Lots 2 & 4, Block 6, Outlot B HIP No. 2 (31st Street)

REQUEST

Quality One seeks Site Plan approval to construct a 72,000 square foot addition onto their existing 27,000 square foot facility (99,000 s.f. total) located on the northeast corner of Millard Avenue and 31st Street in the Hastings Industrial Park.

The expansion would include the acquisition of the following properties:

- Lot 2 (1.9 acres) – Parking and Ponding
- Lot 4 (2.9 acres) – Trailer Parking and future expansion.
- Outlot B (portion) – Fire\Building Code Separation

The City Council granted preliminary approval to the land sale and concept plan at the July 1, 2002 meeting. An application for land credit is submitted under a separate memo from John Grossman, HRA Director.

COUNCIL TABLING

The City Council tabled the request at the September 3, 2002 meeting and directed the applicant to provide more detailed architectural elevations to better meet the Industrial Park Appearance guidelines. The following modifications have been made since the last City Council Meeting:

- 1) More windows have been added to break up building sides
- 2) Building will be in two colors with an offset located 2/3 of the way up the elevation
- 3) Wider fascia boards have been added
- 4) Exposed concrete area has been increased from approximately 4 feet above grade to 8 feet above grade, Exposed concrete would be painted.

5) A perspective drawing has been developed to better present the building.

Copies of the perspective drawing and pictures of the concrete treatment are attached for your review.

RECOMMENDATION

The Hastings Industrial Park Board reviewed the Site Plan at the June 20, July 18, and August 15 Meetings. The Board has been concerned with site landscaping and buffering, parking of trailers, and appearance of the building. On August 15th, the Board recommended approval of the request subject to resolution of the outstanding concerns. Staff is satisfied with screening and parking improvements made on site.

The revised elevations reduce the amount of metal, however it appears the project still exceeds 50 percent metal on the front wall elevation. From researching past Industrial Park projects, it appears the 50 percent level has been negotiable, provided other architectural features (ways to break up large building planes) have been incorporated.

The use of exposed painted concrete may be more acceptable if it were given further texture (stamped), however the building is set back a distance from the road, and the effect of texturing may not be noticeable.

ATTACHMENTS

- Resolution
- Location Map
- Site Plan
- Revised Architectural Elevations
- Industrial Park Appearance Guidelines
- Example of enhanced roofline
- 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. Manufacturing operations are a permitted use.

Adjacent Zoning and Land Use

The Three Rivers Mobile Home Park is located directly across 31st Street from the site. All other 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

Proposed Addition

Quality One proposes a 72,000 square foot addition to the east side of its existing building to increase its manufacturing capacity. The expansion would bring the building south towards 31st Street, creating an “L” shape. Future additions are planned east of the building, which would encompass more of the proposed adjacent lot. The general location of the building and setbacks appear adequate.

Architectural Building Elevations

A pre-engineered metal building is proposed. Improvements would be added to the office portion of the existing building including a new masonry entrance and entryway. Industrial Park Building and Site Appearance Guidelines have been attached for your review. The following questions remain regarding conformance with site appearance guidelines:

Can Landscaping and berming substitute for Material Upgrades?

- 1) The western elevation (Millard Avenue) and southern elevation (31st Street) exceeds 50% metal. The proposed building is 100% metal, only a small amount of masonry would be added to the existing building.
- 2) The applicant contends the addition of berming and landscaping along 31st Street provides an enhanced appearance to the building in lieu of material upgrades, contending any material upgrades added to the 31st Street side would be screened by plantings. Windows have also been added to break up the large expanse of walls. Berming is not included along Millard Avenue.
- 3) The Industrial Park Board recommends additional color contrast and the creation of an offset along the wall to provide a break in the siding.

Should additional architectural elements\changes be required?

The Industrial Park Board and staff have discussed building enhancements on a number of occasions. The general direction has been to add more architectural interest to the building. The applicant has made some progress, however Council may want to consider the following changes:

- 1) Better treatment painted exposed concrete wall along the south and west elevation. Material upgrades could include integral colored concrete or masonry block.
- 2) Enhanced treatment of the roof eaves, with a larger fascia and soffit and overhangs to create a stronger roofline. This type of treatment has been integrated into recent

Industrial Park Building approvals including Greenlawn (Industrial Court). A picture of the treatment is attached.

Parking and Circulation

Parking levels appear adequate. 99 spaces must be provided (99,000 s.f.:1,000 spaces). All existing and newly constructed parking and drive areas, including the trailer storage area will need to be constructed to city standards including bituminous surfacing and curb.

Outlot B

Outlot B was originally platted for rail service, which is not anticipated for the park. The portion of Outlot B abutting the park would be incorporated into the Quality One project, however the city would retain a drainage and utility easement over the outlot.

31st Street Residential Area

Berming and landscape separation to the adjoining residential area is adequate. A six foot landscaped berm would be constructed along 31st Street. 6 foot coniferous trees would be planted at 20 feet on center, and interspersed with shrub plantings. The berm would be 6 feet above the road surface of 31st Street. Adjoining homes are somewhat screened by existing vegetation, and area 1-2 feet higher in elevation than the road. It appears the north side of the slope would need to be retained. Decorative materials should be integrated in the wall design. The berm shall maintain a slope of no less than 4:1 and not encroach into the city right-of-way.

Grading and Utility Plan

The Public Works Department has reviewed a copy of the grading and utility plan; Approval of the Site Plan is subject to their review and approval of the Grading and Utility Plan.

Landscaping Plan

Additional deciduous trees are needed along the perimeter of Millard Avenue. Trees shall be spaced every 40 feet and 2 inch caliper in size. The Industrial Park Board directed Quality One to provide an escrow account with a one-year guarantee to ensure planting viability.

Trailer Parking and Staging

A trailer storage area has been identified on the east side of the proposed building. The Industrial Park Board agreed it could be constructed of Class V or gravel material as long as it contained trailer parking only. Additional outdoor storage of materials would require adequate screening to most likely include an opaque fence.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING THE SITE PLAN FOR QUALITY ONE WOODWORK, INC. TO
CONSTRUCT A 72,000 SQUARE FOOT ADDITION ONTO ITS EXISTING FACILITY
AT 3005 MILLARD AVENUE, HASTINGS, MINNESOTA**

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

WHEREAS, Quality One Woodwork, Inc. has petitioned for approval to construct a 72,000 square foot addition onto its existing building located at 3005 Millard Avenue, legally described as follows:

Lots 1, 2, 3, and 4, Block 6, HASTINGS INDUSTRIAL PARK NO. 2, together with that portion of Outlot B, HASTINGS INDUSTRIAL PARK NO. 2 directly adjacent to said Lots 1, 3, and 4, Block 6

WHEREAS, on August 15, 2002, review of the site plan was conducted before the Hastings Industrial Park Board

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

That the City Council hereby approves the site plan request of Quality Woodwork, Inc. subject to the following conditions:

- 1) Acquisition of Lot 2 and 4, Block 6, and the legally described portion of Outlot B, HASTINGS INDUSTRIAL PARK NO. 2.
- 2) Adherence to the Site Plan, Landscape Plan, and Architectural Elevations as included in the Staff Memorandum to the City Council, dated September 3, 2002.
- 3) Addition of boulevard trees along Millard Avenue and 31st Street spaced every 50 feet at a minimum 2-inch caliper in size at planting.
- 4) Establishment of an escrow account to ensure viability of all newly planted landscape items. The escrow account shall be 125% of the cost of plant materials as determined by the Planning Director. All plantings must be viable one-year from issuance of the certificate of occupancy for the escrow to be released by the City.
- 5) All disturbed areas on this property shall be stabilized with rooting vegetative cover to eliminate erosion problems.

- 6) The disturbed areas of the site shall be maintained to the requirements of the City's property maintenance ordinance.
- 7) Final approval of the development grading and utility plans by the City of Hastings. The applicant shall be liable for any costs involved in consultant review of the plans.
- 8) Screening of all rooftop equipment from 31st Street and Millard Avenue via parapet walls or painting to match the building.
- 9) All waste enclosure areas shall be constructed with materials matching the primary building.
- 10) The applicant shall provide a wall detail indicating materials and elevations for any retaining wall subject to approval by the Planning Director.
- 11) All parking and drive areas shall be constructed to city standards including bituminous surface and concrete curb and gutter.
- 12) Outdoor storage of materials must be enclosed or completely screened from public view.

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 16th day of September, 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

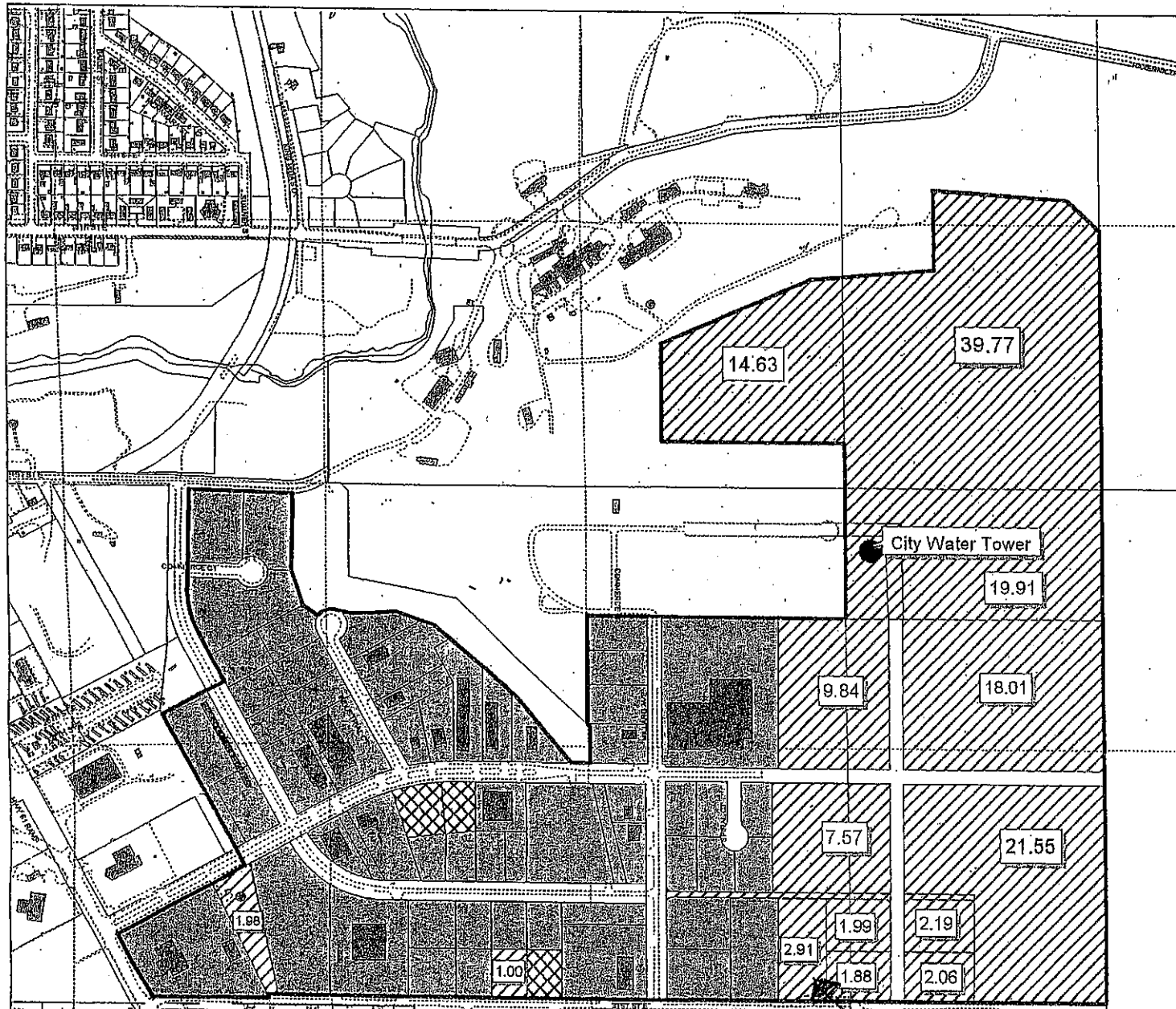
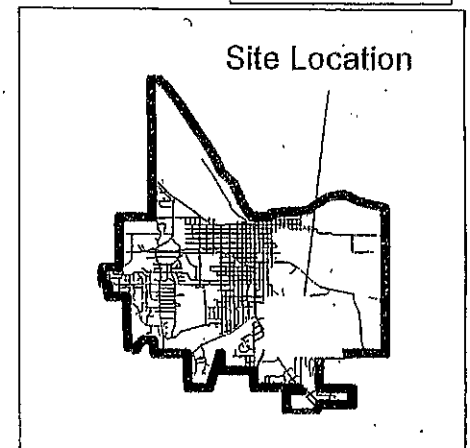
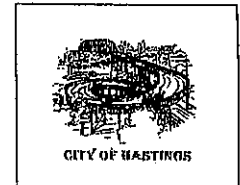
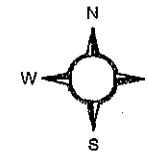
(SEAL)

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

HASTINGS INDUSTRIAL PARK LAND FOR SALE

Legend

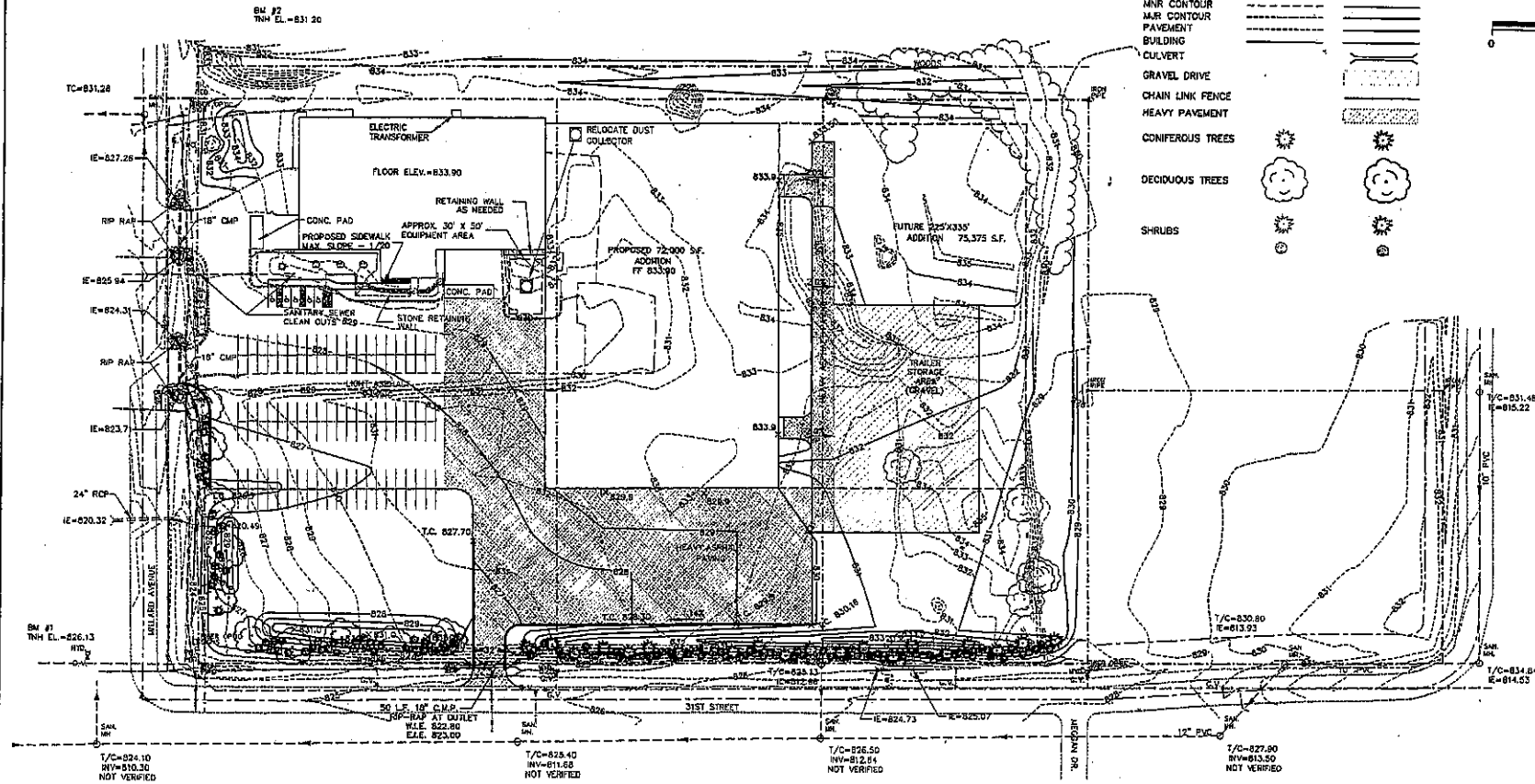
-  Industrial park available
-  Industrial park occupied
-  Industrial park pending
-  Buildings



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

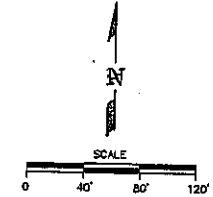
Site Location

CONTACT JOHN HINZMAN
651.437.4127 OR jhinzman@ci.hastings.mn.us



LEGEND

	EXISTING	PROPOSED
TELEPHONE	---	---
ELECTRIC	---	---
SANITARY SEWER	---	---
WATER	---	---
GAS	---	---
LOT LINE	---	---
CURB & GUTTER	---	---
HWY CONTOUR	---	---
M&R CONTOUR	---	---
PAVEMENT	---	---
BUILDING	---	---
CULVERT	---	---
GRAVEL DRIVE	---	---
CHAIN LINK FENCE	---	---
HEAVY PAVEMENT	---	---
CONIFEROUS TREES	(Symbol)	(Symbol)
DECIDUOUS TREES	(Symbol)	(Symbol)
SHRUBS	(Symbol)	(Symbol)



LANDSCAPING NOTES - PER OWNER'S REPRESENTATIVE

1. NEW CONIFEROUS TREES - WHITE SPRUCE (PICEA GLAUCA), MINIMUM 6' HIGH.
2. NEW DECIDUOUS TREES - WHITE ASH (FRAXINUS AMERICANUS), MINIMUM 2" CALIPER
3. NEW SHRUBS SHALL BE A MIXTURE OF SPIREA BRUMALDA, RHUS AMERICANA AND JUNIPERUS COMMUNIS

REVISIONS
#/DATE
#/DATE

DRAWN BY: JPD
CHECKED BY: JPD
PROJECT ENGINEER: JPD
PROJECT NO.: 5021
DATE: 6/17/02
FILE NAME:

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.
J. Stevens
REG. NO. 10000 DATE 1/1/00

SHEET DESCRIPTION: GRADING, DRAINAGE & EROSION CONTROL
DURAND BUILDERS
DUALITY ONE WOODWORK
HASTINGS, WI

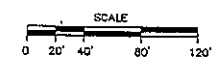
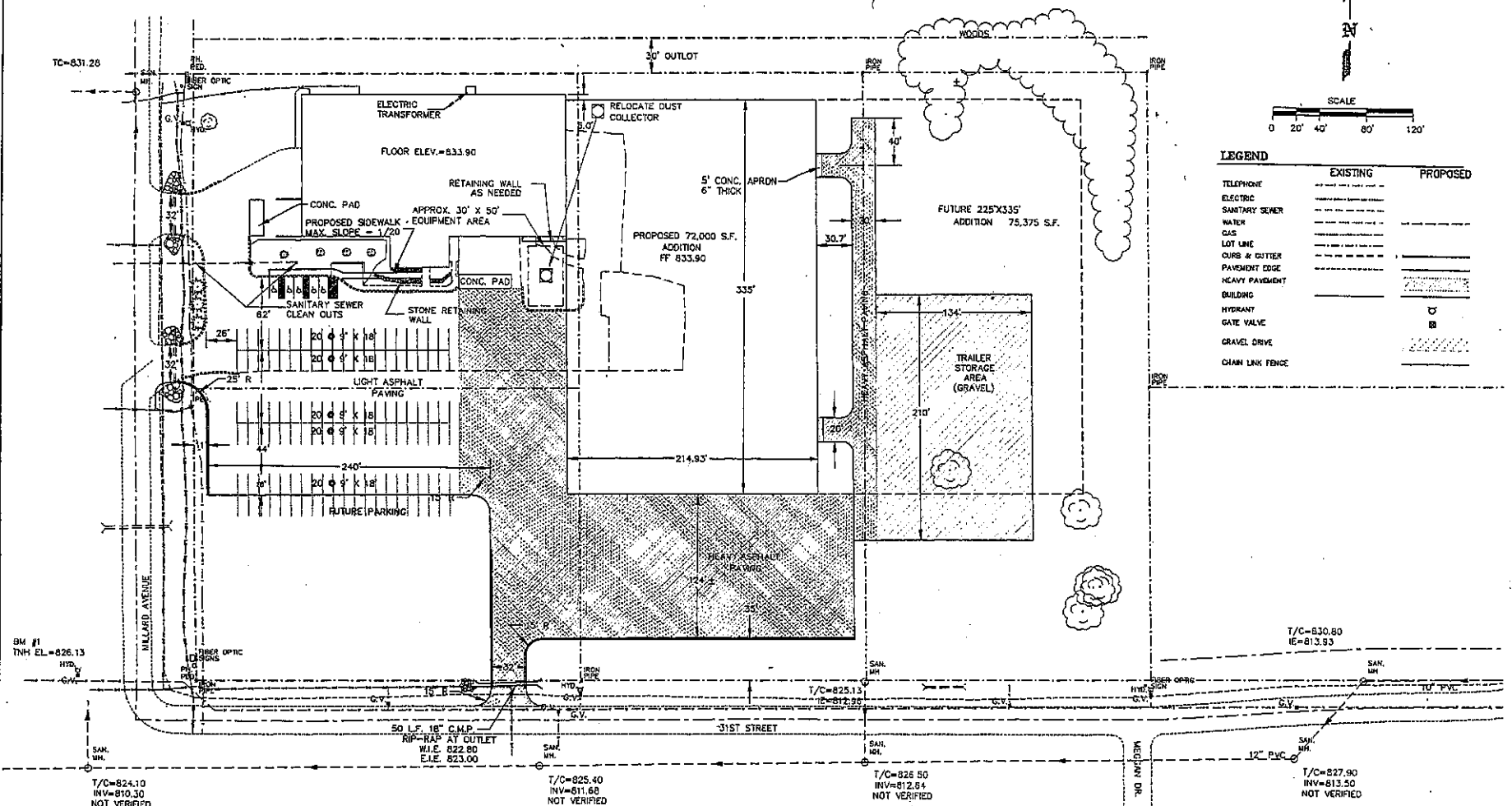
1450 S. BRUNSWICK ROAD
MILWAUKEE, WISCONSIN 53204
WWW.STEVENSENGINEERS.COM
(414) 454-5075 (715) 988-5818
FAC(715) 388-8879

STEVENS ENGINEERS

SHEET NO. 1 of 2

C:\Durand Builders\HASTINGS\INDUSTRIAL PARK\dwg\LOTS 1 TO 6.dwg, 08/28/02 10:05:40 AM

BM #2
TNH EL.=831.20



LEGEND

	EXISTING	PROPOSED
TELEPHONE	---	---
ELECTRIC	---	---
SANITARY SEWER	---	---
WATER	---	---
GAS	---	---
LOT LINE	---	---
CURB & CUTTER	---	---
PAVEMENT EDGE	---	---
HEAVY PAVEMENT	---	---
BUILDING	---	---
HYDRANT	---	---
GATE VALVE	---	---
GRAVEL DRIVE	---	---
CHAIN LINK FENCE	---	---

REVISIONS

NO.	DATE	BY	DESCRIPTION
01/02	07/17/02	JPD	ISSUED FOR PERMIT
02/02	07/17/02	JPD	ISSUED FOR PERMIT

PROJECT INFORMATION

NO.	DATE	BY	DESCRIPTION
01/02	07/17/02	JPD	ISSUED FOR PERMIT
02/02	07/17/02	JPD	ISSUED FOR PERMIT

DESIGNER
J. P. Durand
DATE: 8/17/02

PROJECT NO. 12944

SHEET DESCRIPTION
INDUSTRIAL BUILDINGS
DIMENSIONED SITE PLAN
QUALITY ONE WOODWORK
HASTINGS, MN

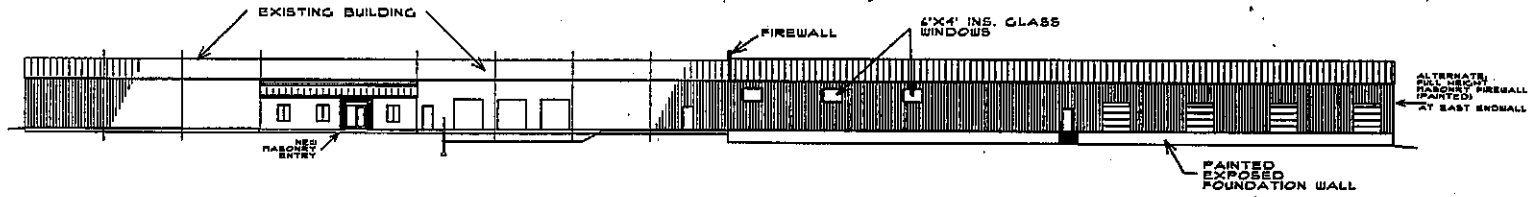
FOR STEPHENS ENGINEERS
1001016
WWW.STEPHENSENGINEERS.COM
(612) 436-4076 (716) 366-5819
PAX (716) 366-5879

STEPHENS ENGINEERS

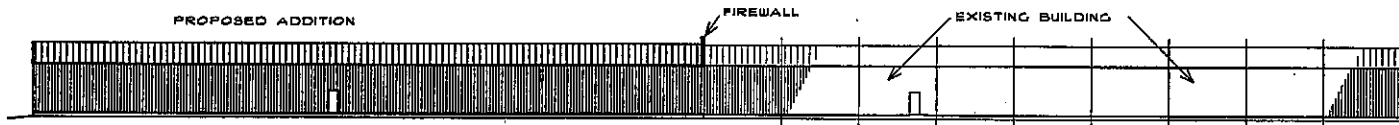
SHEET NO.
2 of 2

Former Elevations

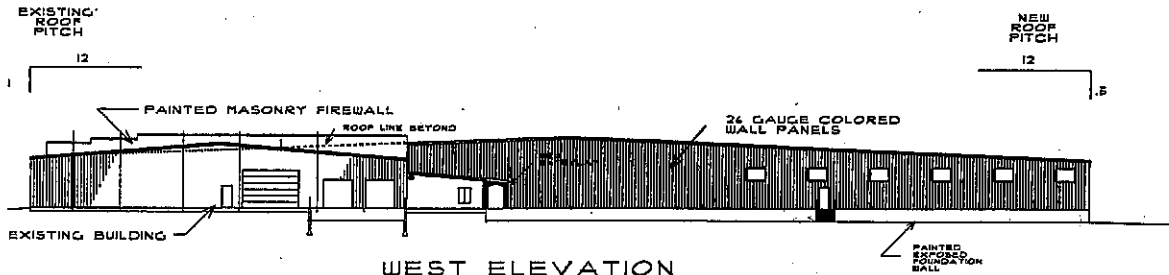
9/3/02 Mtg



SOUTH ELEVATION



NORTH ELEVATION



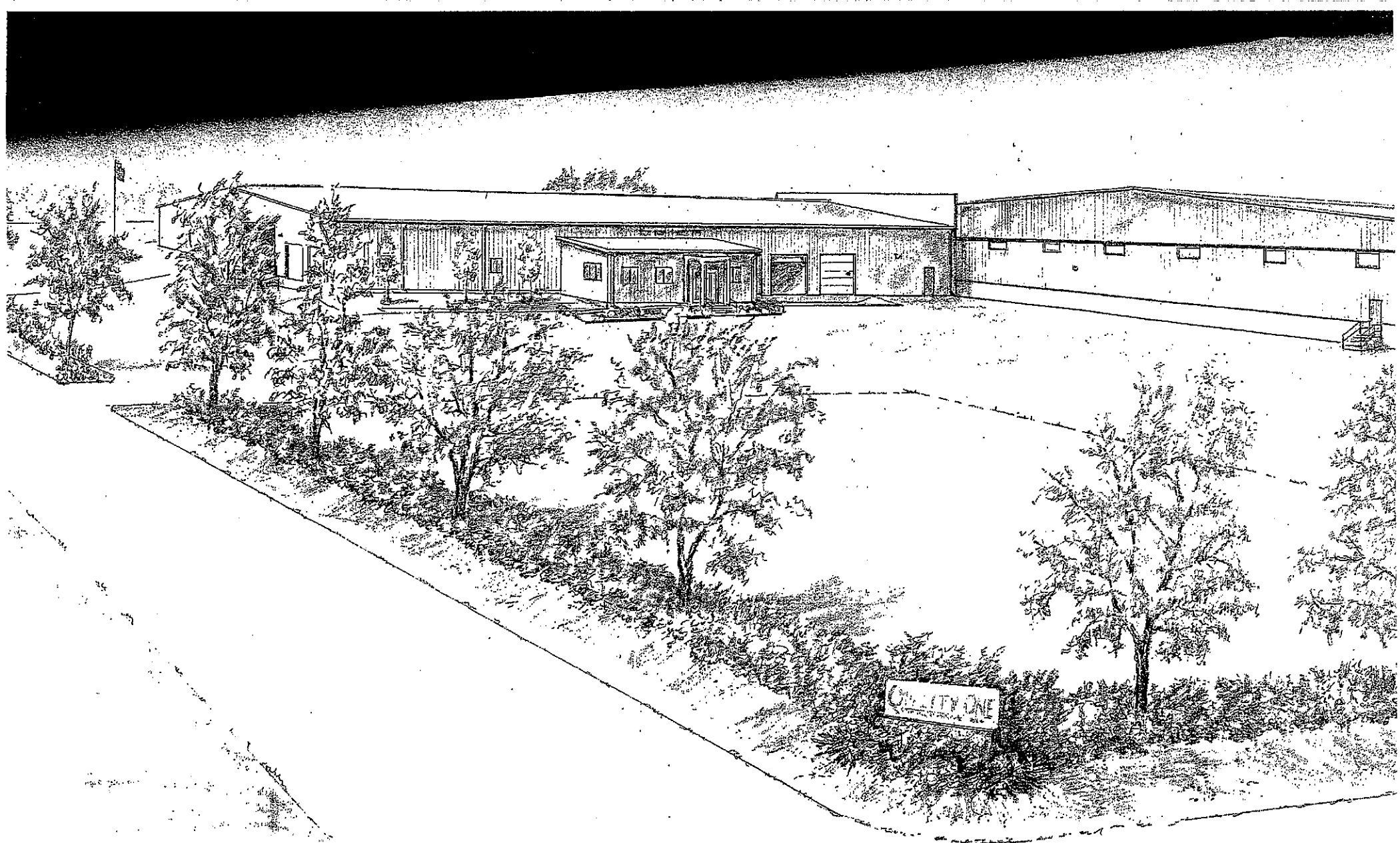
WEST ELEVATION

DURAND BUILDERS SERVICE, INC.
 P.O. BOX 10, Durand, WI 54936
 Phone 715-072-0941 Fax 715-072-0065

QUALITY ONE
 WOODWORK
 HASTINGS MN

08/28/02

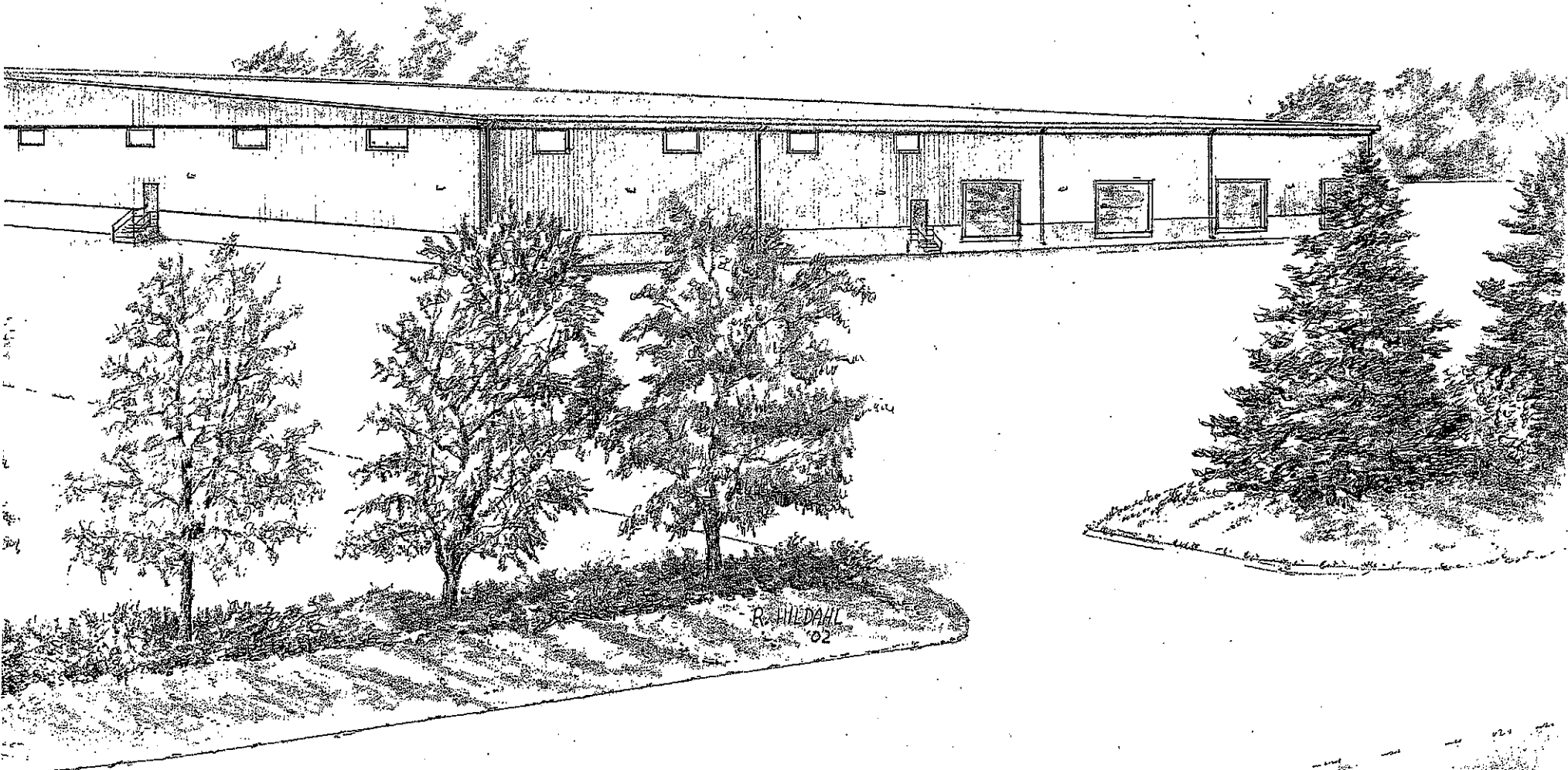
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Checked by
Scale 1/16"
Sheet no.
Job no.



Revised Perspective

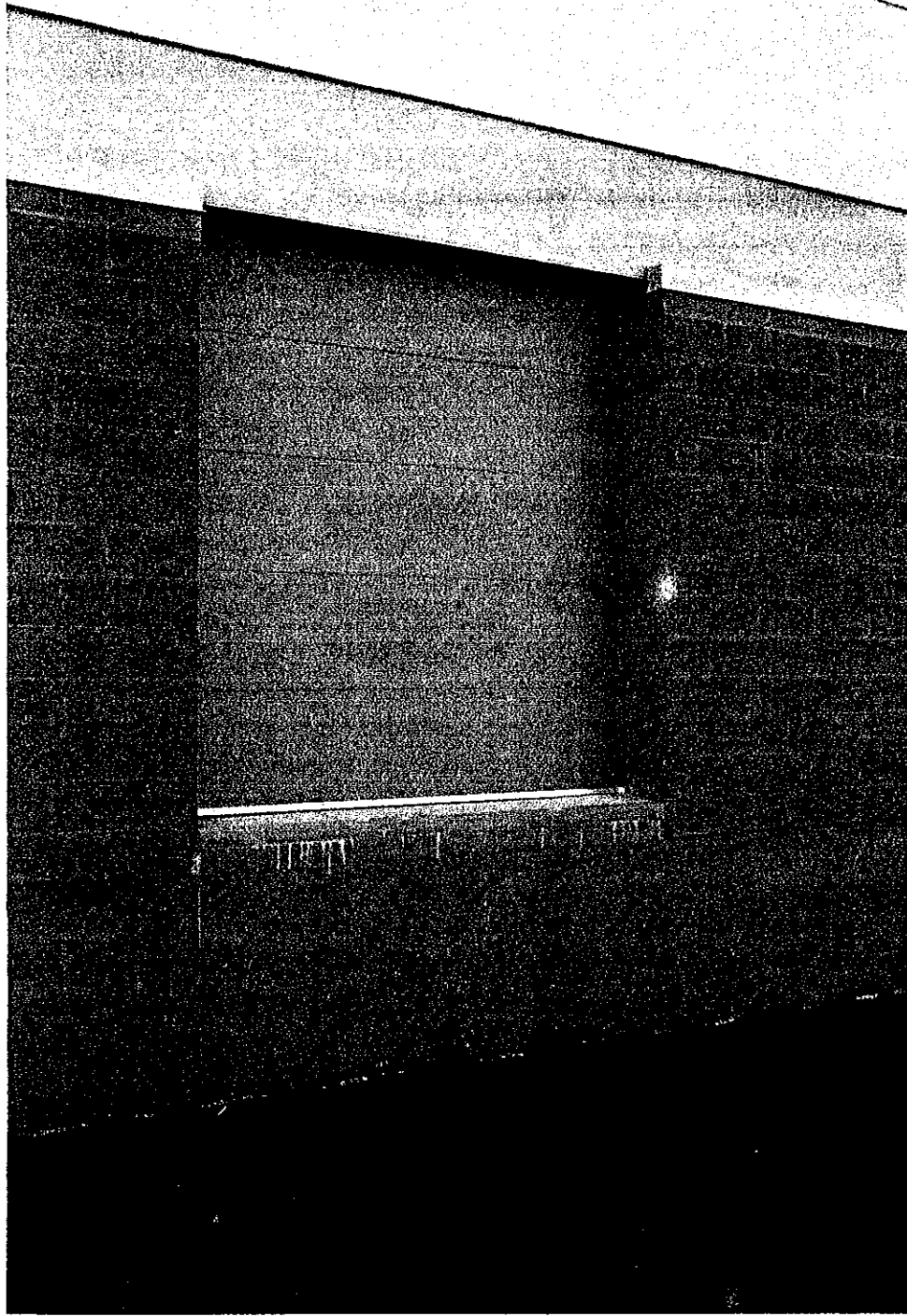
9/16/02

lot 2

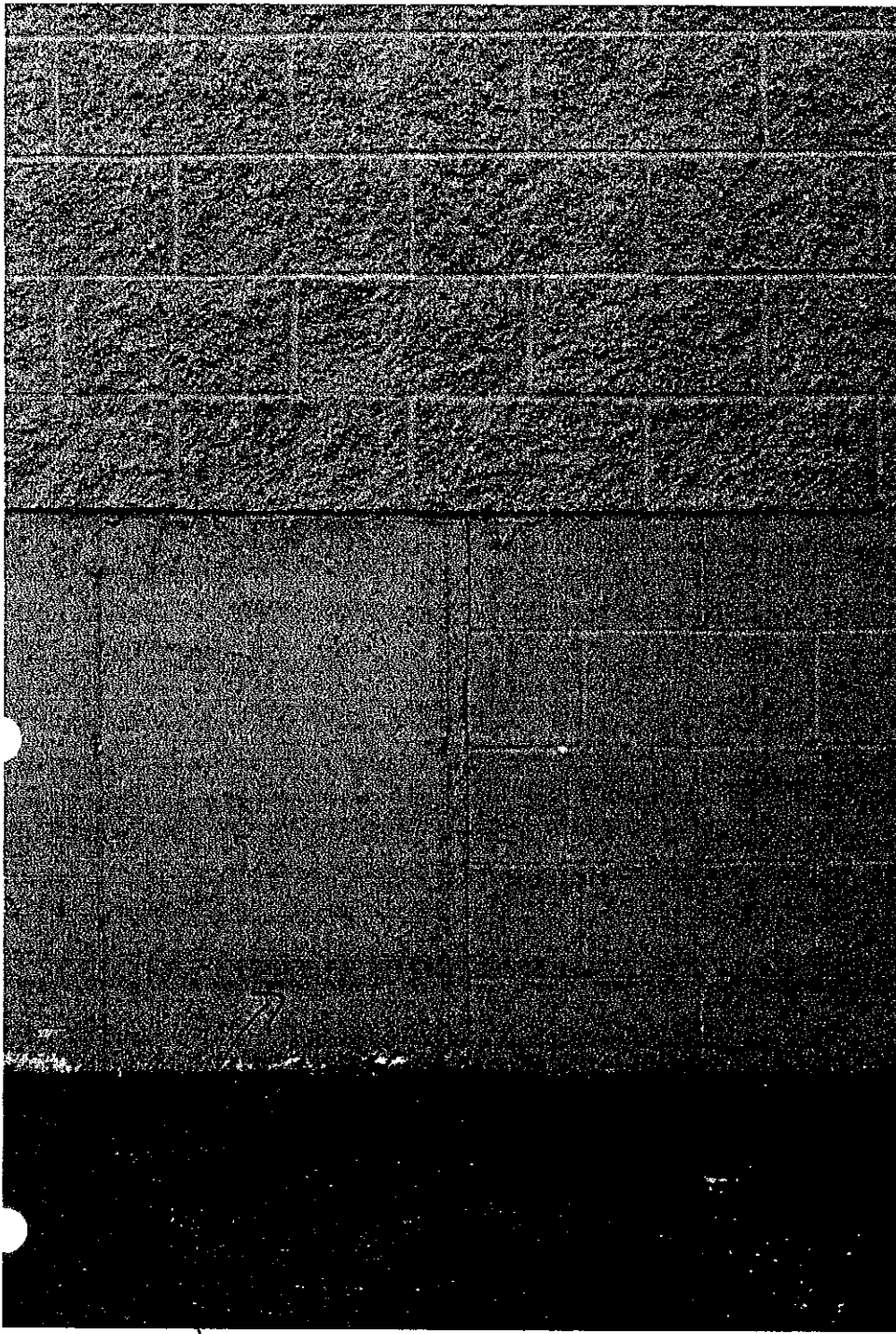


R. HILDAHL
'02

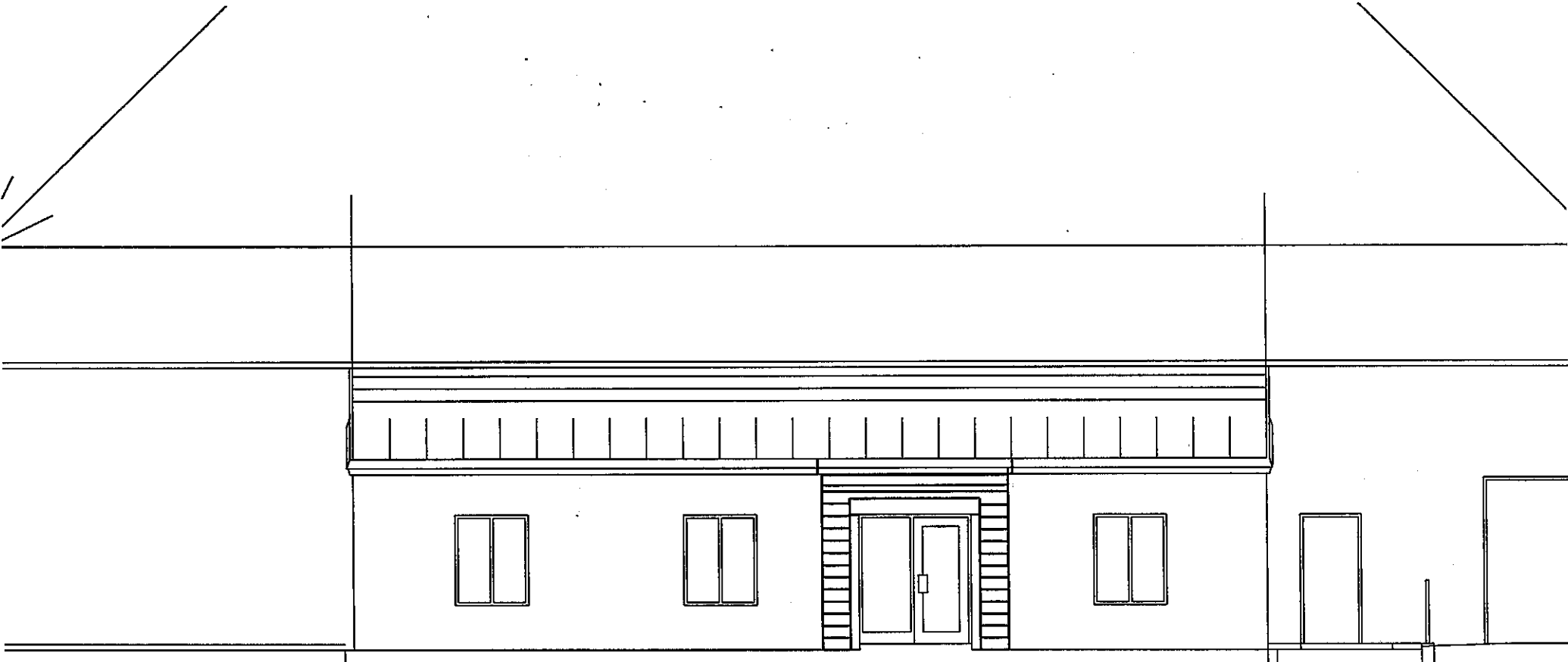
Revised Perspective
9/16/02
Oct 2012



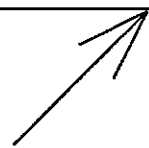
Painted
Exposed
concrete



Painted Exposed Concrete.

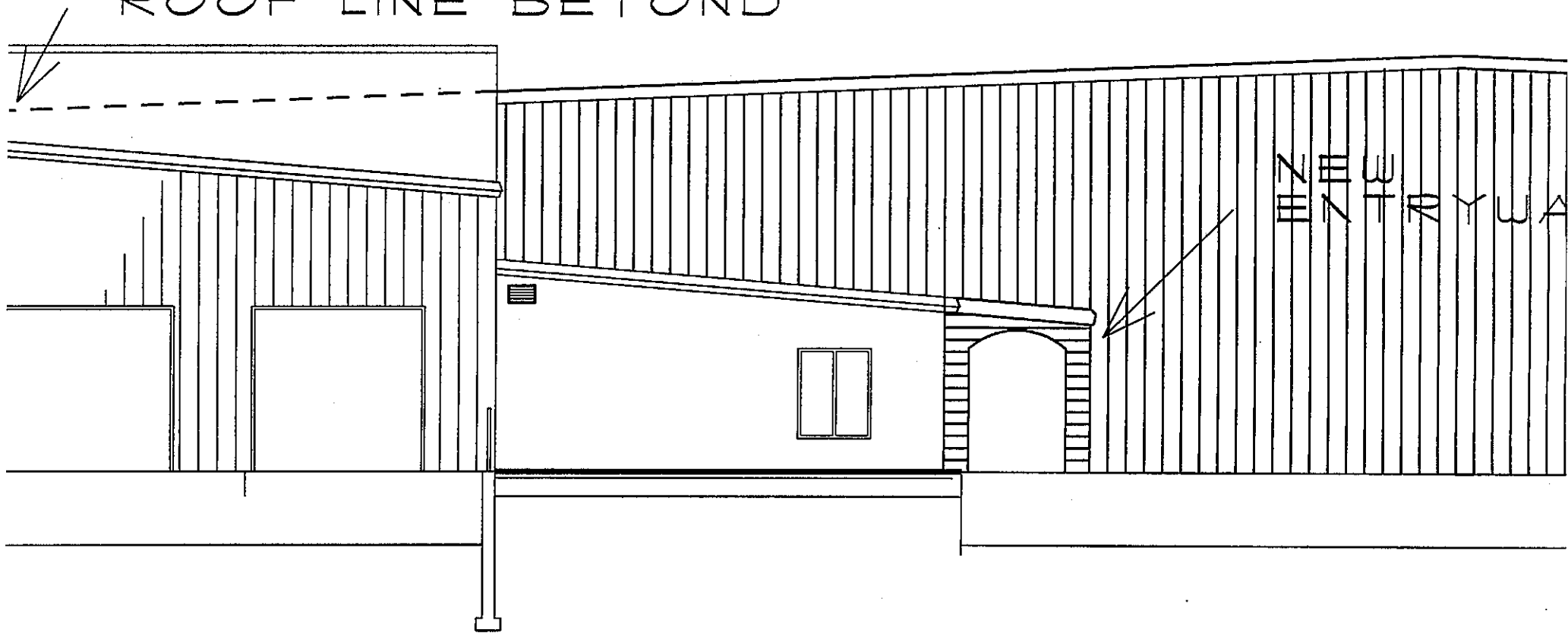


MASONRY
BY
MUNY



IRE WALL

ROOF LINE BEYOND



INDUSTRIAL PARK BUILDING AND SITE APPEARANCE GUIDELINES

The Guidelines will be used by the Industrial Park Board in assessing proposals and requests for the Land Credit Program. Similar guidelines will be recommended to Council for adoption.

PURPOSES: To maintain existing and future property values and encourage investment in lasting and maintenance free construction. To establish building and site standards to be applied consistently to properties within the district by city officials and staff in the review and approval of designs for new construction submitted by property owners and prospective buyers.

DESIGN REVIEW: The Industrial Park Board will review designs and materials proposed by applicants and approve or make other recommendations to the City Council (Board of Design Control) together with actions concerning property sales, site plan review, new construction, expansion, and requests for business subsidies.

I. BUILDING MATERIALS & DESIGN

A. Exterior building finishes shall be the following materials or approved equivalents.

1. Masonry: brick, natural stone, decorative (rock-face or break-away) block, cast in place or pre-cast concrete, stucco and composite panels with a natural masonry or stone surface.
2. Wood: provided the surfaces are of proven exterior durability such as cedar and redwood or treated and finished for exterior use with paint or stain.
3. Metal: steel or aluminum panels provided they are factory fabricated and finished with a durable, non-fade coating and the fasteners are non-corrosive and rust-proof. Unfinished (included galvanized) metal cannot be used on exterior surfaces including roofs.
4. Vinyl or fiberglass exterior surface materials provided they are manufactured with the color throughout and the fasteners are non-corrosive and rust-proof.

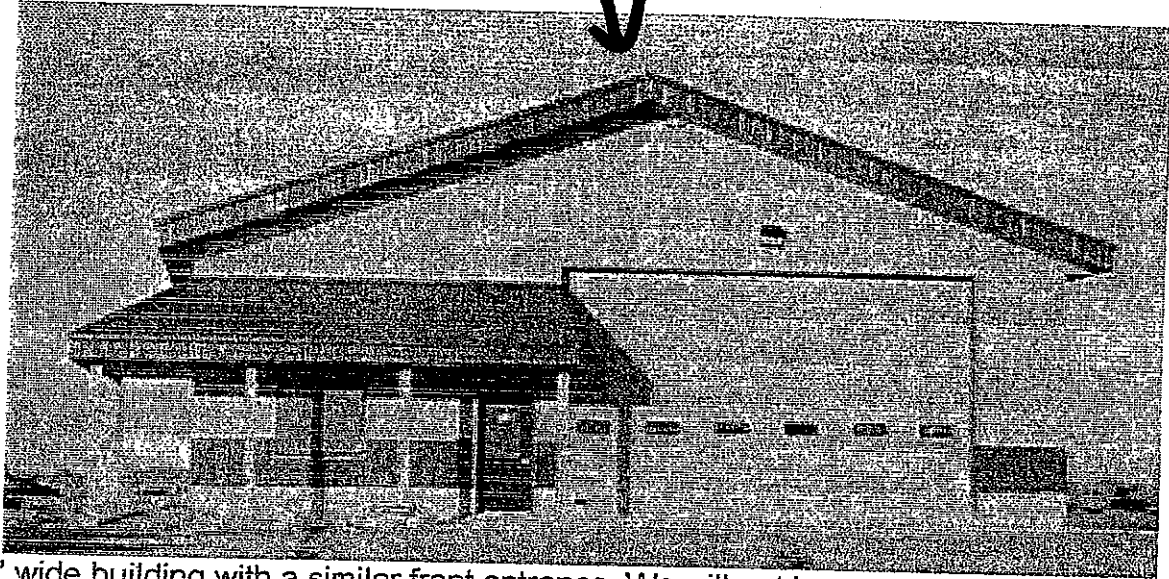
B. Front wall or elevation treatments

1. The front wall (the street side, or if a corner lot, entrance side) cannot exceed 50% metal or fiberglass; OR
2. All of the surface area of a one-story office, entrance or showroom area extending across the width of the front of the building shall be masonry, wood or vinyl; OR
3. The front entrance of the building will be distinguished by a masonry pad or sidewalk, covered by a canopy, roof extension, or overhang of copper, shingles or pre-finished metal, with masonry or metal posts. Main entrance doors shall be of commercial design and the adjacent wall areas shall be glass and/or masonry.

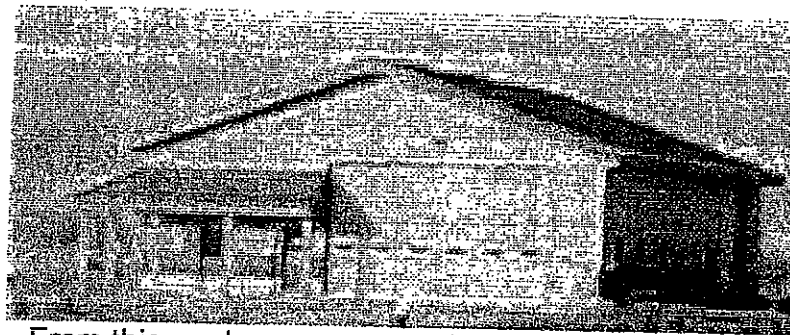
Roofline Sande



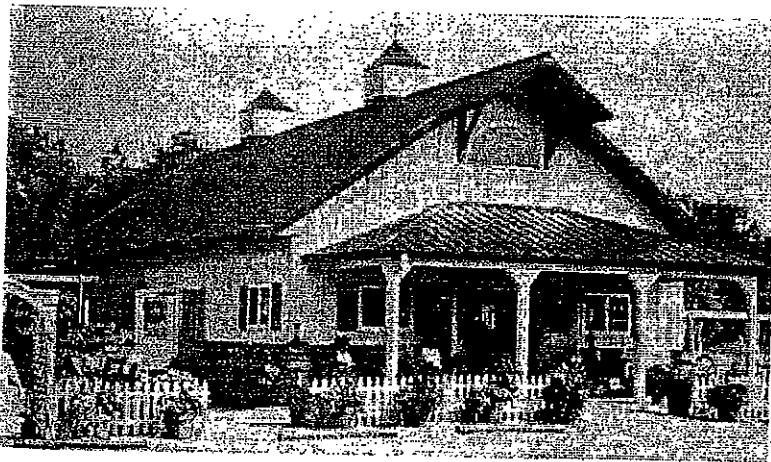
This building has the overhang idea we are looking for. We will also have windows facing Commerce Drive. There will be approximately 4 windows on the long side without the overhead doors.



This is a 50' wide building with a similar front entrance. We will not have any overhead doors facing Commerce Drive. The non-metal treatments are yet to be decided but will either be stone, brick or stucco. Also note the larger fascia. We will reproduce this feature as well.



From this angle you can see the windows on the side.



These are the proposed colors.

(dark green + cream)

SAMPLE
BUILDING
PLAN (DWGFT)

September 11, 2002

TO: The Honorable Mayor and Council

FROM: John Grossman, HRA Director

RE: Millard Avenue, Inc. Land Credit and Subsidy Agreement

City Council gave preliminary approval to this transaction on July 1, 2002. The Land Credit is offered under the business subsidy criteria adopted by Council on December 20, 1999. State Law requires that the city approve at a public meeting the terms of agreements which provide assistance to businesses.

The Public hearing required for subsidies over \$100,000 was held at the Council Meeting of September 3, 2002.

A summary of the terms of the development agreement and subsidy agreement, and a Resolution authorizing execution of the documents are attached. The basic facts are as follows.

Ownership of the land will be in the name of Millard Avenue, Inc. Edward T. Rymer is the owner.

Millard Avenue will receive title to two lots on 31st Street and part of an outlot adjacent and on the north side of the property, totaling 5.36 acres. They will pay \$5.00 and the balance of the land value, \$315,440, will be deferred for five years. The land is priced at \$1.35 per sq.ft.

Millard Ave. agrees to construct a 72,000 sq. ft. building addition valued approximately \$1,800,000 within 12 months.

Quality One will create twenty additional jobs at this site at a wage of no less than \$10.00 per hour within two years. If they do not create the new jobs or fail to remain in business at the site for five years, Millard Ave, Inc. will have to repay the City a pro-rated share of the land value.

If Millard Ave. completes the building and Quality One increases their payroll at the site as proposed, the construction and payroll credits in five years will total about \$\$273,000 at today's wages and building values. This amount is credited against unpaid or deferred value of the land. If the total credits do not exceed the value of the land, the balance will be due and if not paid can be assessed against the land. If no more than 20 jobs are created, there could be a balance due to the City of around \$40,000. If more jobs are created, and/or wages continue to rise, the credits will likely exceed the deferred land cost.

ACTION REQUESTED: Adopt the attached Resolution approving the terms of the purchase and development agreement and business subsidy agreement and authorize the Mayor and city Clerk to execute the documents and the deed. This recommendation is contingent on the Council approving the site plan as well.

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**RESOLUTION OF THE HASTINGS CITY COUNCIL APPROVING A BUSINESS
SUBSIDY IN RELATION TO INDUSTRIAL PARK PROPERTY AND MILLARD
AVENUE, INC.**

Dated September 16, 2002

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

WHEREAS: Millard Avenue, Inc. (applicant), and Quality One Woodwork, Inc. have presented plans for a 72,000 sq.ft. addition to a manufacturing plant-warehouse and parking, driveways and storage areas (the project) on property including Lots 2 and 4, Block 6, and the west 817 feet of Outlot B, Hastings Industrial Park No. 2 (the property) owned by the City and have asked for approval of transfer of the property under the City's Land Credit Program;

AND WHEREAS, the applicant has demonstrated that the project is feasible only if the City deeds the property at below market value, the difference being \$315,440 (the business subsidy);

AND WHEREAS, the applicant and/or Quality One Woodwork, Inc. will create twenty new jobs within two years at no less than \$10.00 an hour and commit to remain in business at the site for five years;

AND WHEREAS, the applicant will construct the project with an assessed value of no less than \$1,800,000 within one year of taking ownership;

AND WHEREAS, the applicant will execute a development and business subsidy agreement with conditions providing that a prorated amount of the business subsidy will be paid to the City if the project is not completed or other subsidy conditions not met;

AND WHEREAS, the project serves the public purposes of increasing the tax base, creating new jobs at competitive wages and facilitating the expansion of an existing local business;

THEREFORE BE IT RESOLVED, that the project meets the criteria of the City's Business Subsidy Criteria adopted December 20, 1999;

THEREFORE BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the deed, development agreement, business subsidy agreement and amendments thereto, as are necessary to implement the project on behalf of the applicant.

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

Ayes:

Nays:

Absent:

WHEREUPON, the Mayor declared the Resolution to be duly passed.

CITY OF HASTINGS

By _____
Michael D. Werner, Mayor

ATTEST:

Melanie Mesko Lee
Administrative Assistant/City Clerk

CERTIFICATION

I, Melanie Mesko Lee, Administrative Assistant/City Clerk, of the City of Hastings hereby certify that the foregoing Resolution is a true and correct copy of the Resolution that was duly adopted at a regular meeting of the City Council of the City of Hastings held August 19, 2002

Melanie Mesko Lee
Administrative Assistant/City Clerk

SEAL

SUMMARY OF LAND PRICE SUBSIDY AGREEMENT

RECIPIENT OF THE SUBSIDY: Millard Avenue, Inc. (Edward T. Rymer)

DESCRIPTION OF THE LAND: Lots 2 and 4, Block 6, and the west 817 feet of Outlot B, Hastings Industrial Park No. 2

USE OF LAND: The tenant, Quality One Woodworking, manufactures cabinets for building suppliers, a permitted use in the Industrial Park. They will lease the entire existing and expanded building.

VALUE OF THE SUBSIDY IN THE FORM OF LAND: \$315,440. Five dollars will be paid at closing. This is the value of 233,663 sq.ft., (5.36 acres), at \$1.35 per sq.ft., the new price.

SIZE AND VALUE OF BUILDING: the expansion will be a 72,000 sq. ft building valued at \$1,800,000. The existing and new buildings, a total of 103,000 sq.ft., will cover 23% of 10.2 acres, which includes the existing land and the land included in this agreement. This is an appropriate size of building for the amount of land, including parking and drives.

JOB AND WAGE GOALS TO BE MET IN TWO YEARS. Twenty (20) new full time or full time equivalent jobs at no less than \$10 an hour. The City's minimum wage to qualify for land credit is \$10.00 before benefits. The actual starting wage will be above \$11.00. They anticipate creating more than 20 jobs. This is almost double the number of jobs usually created on a per acre basis.

BUSINESS RESPONSIBLE FOR CREATING JOBS: Quality One Woodworking. The owner of the land is also part owner in the business. Quality One has been in business on the site for five years. They received a land credit for the first 4.9 acres for their first building and exceeded their job and wage goals in two years.

REQUIREMENT TO REMAIN IN BUSINESS FOR FIVE YEARS: The development and business subsidy agreement requires that Millard Avenue, Inc. and/or Quality One Woodwork, Inc. will continuously operate the business at this site for five years.

PARENT CORPORATION: None

OTHER BUSINESS SUBSIDIES: None

PUBLIC PURPOSES:

1. Increase the tax base by the development of underutilized property.
2. Create new jobs at competitive wages.
3. Facilitate the expansion of an existing local business.

REASON FOR THE SUBSIDY:

Reduction of the land price lowers the cash costs of the business expansion, allowing available cash and credit to be used for the new construction.

FINANCIAL OBLIGATIONS OF THE RECIPIENT IF THE GOALS ARE NOT MET:

1. If the job and wage goal is not met in two years, or three with extension, a pro-rated portion of the subsidy must be repaid by the land owner to the City.
2. If the building is not completed, a pro-rated portion of the subsidy must be repaid by the land owner to the City.
3. If the building credit and payroll credit do not exceed the balance due on the land, the difference must be repaid by the land owner to the City. If not paid the City will assess the balance against the property.

SUMMARY: This proposal meets the City's criteria for the land credit program, a business subsidy in the amount of \$315,440. The number of jobs exceeds the usual land credit proposal. The size of the building allows all storage to be inside the building, a benefit to the appearance of the park. This expansion is the second phase for Quality One. If business continues as expected there could be a third phase.

MEMORANDUM

TO: Honorable Mayor and City Councilmembers
FROM: Dave Osberg, City Administrator
DATE: September 12, 2002
SUBJECT: Orderly Annexation Agreement

Recommended City Council Action

It is recommended that the City Council take action approving the enclosed orderly annexation agreement with Marshan Township, that allows for the annexation of 43.67 acres, that will become part of the South Pines Subdivision. Approval of the Orderly Annexation agreement should be subject to the following:

- 1.) Approval by the Marshan Town Board
- 2.) Approval of the Final Plat by the City Council

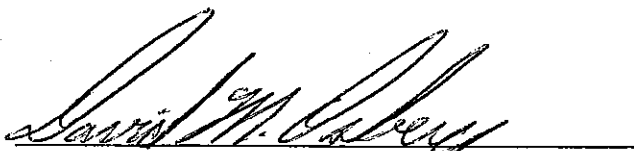
Background

Enclosed in the packet is a copy of the petition by the property owners and orderly annexation agreement with Marshan Township. The City Council is scheduled to address the Final Plat for the South Pines subdivision at the same meeting on September 16, 2002. Important elements of the Orderly Annexation are as follows:

Section #6: The City agrees that it will not permit any development of lots or land within the annexation area after one year from the completion of Highway #316 improvements, until and unless Michael Avenue is paved.

Section #7: The City will be responsible for snow removal only of that portion of Michael Avenue. The City shall complete no other maintenance.

Section #8: 75 feet shall be reserved along the southern portion of the plat to allow for a future road extension.



David M. Osberg
City Administrator

cc. Dave Tanner
George May

TANNER, HAMILTON & ASSOCIATES, P.A.

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

Attorneys and Counselors at Law

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

DAVID E. TANNER+
MICHAEL G. HAMILTON*

September 10, 2002

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

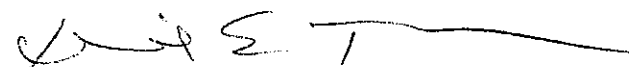
HAND DELIVERED

RE: **Petition for Annexation /South Pines**

Dear Dave:

Enclosed herewith please find a new original Joint Resolution which sets out the snowplow requirement but no further maintenance obligation to the City of Hastings for Michael Avenue, as discussed. I understand that this will be on the City Council Agenda for Monday, September 16, 2002 and on the Marshan Town Board Agenda for Tuesday, September 17, 2002.

Very truly yours,


David E. Tanner

DET:kss

Enc.

File No. 5865

cc: Don Lawrence (w/enc.)

**MINNESOTA MUNICIPAL BOUNDARY ADJUSTMENT DIVISION
OFFICE OF STRATEGIC AND LONG RANGE PLANNING AS
SUCCESSOR TO THE MINNESOTA MUNICIPAL BOARD**

**IN THE MATTER OF THE DESCRIPTION
OF AN UNINCORPORATED AREA IN
MARSHAN TOWNSHIP AS IN NEED OF
ORDERLY ANNEXATION TO THE CITY
OF HASTINGS, AND CONFERRING
JURISDICTION OVER SAID AREA TO
THE MUNICIPAL BOUNDARY
ADJUSTMENT DIVISION OF THE OFFICE
OF STRATEGIC AND LONG RANGE
PLANNING AS A SUCCESSOR TO THE
MINNESOTA MUNICIPAL BOARD**

**JOINT RESOLUTION OF THE
CITY OF HASTINGS AND THE
TOWNSHIP OF MARSHAN FOR
ORDERLY ANNEXATION**

WHEREAS, McMenemy & Hertogs, Inc., a Minnesota corporation, Samuel H. Hertogs, William Crist, and Paul W. Lawrence, the fee owners of certain property situated in the Township of Marshan, Dakota County, Minnesota, have filed a petition seeking the annexation to the City of Hastings, of certain real property described on attached Exhibit A; and

WHEREAS, the City of Hastings (“City”) and the township of Marshan (“Township”) desire to enter into a Joint Resolution approving the annexation of said Property.

NOW, THEREFORE, be it resolved by the City of Hastings and the Township of Marshan as follows:

1. **Orderly Annexation Area.** The Property which is situated within the Township of Marshan, Dakota County, Minnesota, legally described on Exhibit A which is attached hereto and incorporated herein, is designated as unincorporated and in need of orderly annexation pursuant to Minn. Stat. §414, as the same may hereinafter be amended and supplemented from time to time. Said Property legally described on Exhibit A is herein described as the “Orderly

Annexation Area.” The Orderly Annexation Area is in need of City utilities so that is can be developed.

2. Jurisdiction. The parties to this Agreement hereby confer jurisdiction upon the Office of Strategic and Long Range Planning, State of Minnesota, over the annexation in the Orderly Annexation Area, and over the various provisions of this Agreement between the parties hereto as set forth in this Joint Resolution. The parties to this instrument acknowledge legislative changes dissolving the Minnesota Municipal Board and transferring its responsibilities to the Office of Strategic and Long Range Planning and that despite such action the provision of Minn. Stat. §414 have not been modified to reflect such changes. The purposes of this instrument, therefore, references to the Minnesota Municipal Board and to Minn. Stat. §414 shall mean and refer to the Municipal Boundary Adjustment Division of the Office of Strategic and Long Range Planning as in the successor of the Minnesota Municipal Board and administration of State law regarding orderly annexation agreements and to subsequent amendments to State law. Notwithstanding the foregoing, the parties specifically state that no alteration of the stated boundaries of the Orderly Annexation Area is appropriate and that no consideration by the Minnesota Municipal Board is necessary regarding the conditions set forth in this Joint Resolution.

3. Immediate Annexation. The City and Township agree that the Orderly Annexation Area will be annexed to the City upon confirmation by the Office of Strategic and Long Range Planning, State of Minnesota. Parties to this Agreement do hereby consent to said annexation as of the date of the request and grant the Office of Strategic and Long Range Planning, State of Minnesota, their approval to accomplish the annexation in accordance with this Agreement. The City and Township agree they will not oppose said annexation. The Office

of Strategic and Long Range Planning, State of Minnesota, is authorized and requested to take such action as may be appropriate to accomplish the intent of the parties as set forth herein. Any statutory notice period or period to respond is hereby waived by the parties.

4. **Real Estate Taxes.** It is agreed that in the year the Orderly Annexation Area is annexed to the City, that portion of the real estate taxes normally allocated to the Township will be paid to the City. To reimburse the Township for this lost revenue, the Property owners of the Orderly Annexation Area will pay Marshan Township an amount equal to twice the amount of tax revenue Marshan Township would have received from the annexed Property in 2003. Marshan Township's portion of the 2003 real estate taxes from the subject property is the sum of \$_____. Therefore, the total amount due from the Property owners to Marshan Township will be two times that amount for the sum of \$_____. This shall be paid to Marshan Township by the Property owners within thirty days after the annexation is ordered by the Office of Strategic and Long Range Planning, State of Minnesota. Thereafter, the Township shall not be entitled to any real estate revenue from the Property in the Orderly Annexation Area described in this Joint Resolution.

5. **Tax Capacity Rate.** Pursuant to Minn. Stat. §414.035, the Minnesota Municipal Board has a request to provide in its Order that in the calendar year following annexation, the tax capacity rate of the Orderly Annexation Area be increased to equality with the tax capacity rate of the Property currently situate within the City.

6. **Michael Avenue.** The City and Township agree that Michael Avenue may be partially relocated as a result of expected improvements to the intersection of Michael Avenue with State Trunk Highway 316. The City of Hastings agrees that it will not permit any development of lots or land within the annexation area after one (1) year from the completion of

the said Highway 316 improvement until and unless Michael Avenue shall have been paved to standards normally and usually required by Marshan Township for other township roads for a distance of fifty (50) feet westerly of the westerly edge of its intersection with any road constructed within South Pines Addition.

7. **Road Maintenance.** The City agrees that it will be responsible for snow removal on the aforesaid paved portion of Michael Avenue. The City shall not be responsible for any other road maintenance on Michael Avenue.

8. **Reservation for Future Road.** The owners of the land in the Orderly Annexation Area shall be required by the City to plat the South seventy-five feet (75 ft.) of the SE ¼ of Section 3, Township 114N, Range 17W as an outlot, which outlot shall be reserved for use as a future road, and to maintain such land free of noxious weeds according to City Ordinance.

9. **General Funds.** The City agrees it will not apply for any Township general funds or other assets, and that the Township agrees it will not apply for any City general funds or other assets, as a result of the is Agreement.

10. **Entire Agreement.** The foregoing, with the exhibit referenced above and attached hereto constitutes the entire agreement of the parties regarding the Orderly Annexation of the Orderly Annexation Area described in attached Exhibit A.

This Joint Resolution was duly passed and approved by the Township of Marshan on the ____ day of _____, 2002.

TOWNSHIP OF MARSHAN

, Town Board Chair

ATTEST:

, Town Clerk

This Joint Resolution was duly passed approved at a duly called meeting of the City Council of the City of Hastings on the _____ day of _____, 2002.

CITY OF HASTINGS

Michael D. Werner, Mayor

ATTEST:

, City Clerk

IN THE MATTER OF THE PETITION OF
MCMENOMY & HERTOGS, INC.,
SAMUEL H. HERTOGS, WILLIAM CRIST,
AND PAUL W. LAWRENCE
FOR ANNEXATION

PETITION FOR ANNEXATION

TO THE CITY COUNCIL OF THE CITY OF HASTINGS, MINNESOTA:

We, the undersigned, being all of the owners of the territory described below, hereby request the Council to annex this territory to the City and extend the City boundaries to include the same, and for that purpose respectfully state:

1. The territory to be annexed consists entirely of unplatted lands and is less than 200 acres, being 43.67 acres in area, more or less.

2. All of these lands lie entirely within the County of Dakota, State of Minnesota. The legal description of the lands is as follows:

That part of the Southeast Quarter of Section 3, Township 114 North, Range 17 West, according to the Government Survey thereof, Dakota County, Minnesota, described as follows:

Beginning at the southwest corner of the Southeast Quarter of said Section 3; thence on an assumed bearing of North, along the west line of the Southeast Quarter of said Section 3, a distance of 680.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2156.81 feet; thence North 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet, to the east line of the Southeast Quarter of said Section 3; thence South 00 degrees 01 minutes 50 seconds East, along said east line a distance of 1152.74 feet, to the southeast corner of the Southeast Quarter of said Section 3; thence North 89 degrees 51 minutes 34 seconds West, along the south line of the Southeast Quarter of said Section 3, a distance of 2632.49 feet, to the point of beginning. Containing 43.67 acres, more or less.

3. The territory described above abuts upon the City limits at the south boundary of the City, and none of it is presently included within the corporate limits of any incorporated city.

4. All of the territory described is, or is about to become, urban or suburban in character.

5. Minnesota Statute §414.033, Subd. 5, requires that a majority of the property owners join in any petition for annexation into an abutting municipality. There are a total of four owners of the territory described in this Petition. Each of the four owners has signed this Petition, thereby satisfying the statutory requirements.

MCMENOMY & HERTOGS, INC.

By: Edward B. McMenemy, Jr. William Crist
Its President William Crist

Samuel H. Hertogs Paul W. Lawrence
Samuel H. Hertogs Paul W. Lawrence

AUG-07-2002 16:51

TANNER HAMILTON & ASSOC

651 437 1731 P.04

JOHNSON, SCOFIELD AND REHDER INC LAND SURVEYORS

1203 Main Street • Red Wing, MN 55066 • Telephone: Red Wing (612)388-1558 • Wabasha (612)565-3244 • Fax: (612)388-1559

David A. Johnson
Minnesota and Wisconsin
Registered Land Surveyor
Wabasha County Surveyor

Alan K. Scofield
Minnesota Registered
Land Surveyor

Herbert J. Rehder
Minnesota and Wisconsin
Registered Land Surveyor

September 3, 1998

Don Lawrence
Lawrence Construction and Realty
via fax number 651/437-6732

Dear Don,

This is in response to your request for the legal description for that part of the Tuttle Farm that did not get annexed into the City of Hastings. Based on the information in my file, it appears to me that 43.67 acres remains to be annexed. Please find enclosed a drawing illustrating same. The property description, defining this property, is as follows:

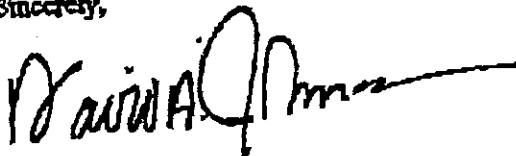
PROPOSED PROPERTY DESCRIPTION

That part of the Southeast Quarter of Section 3, Township 114 North, Range 17 West, according to the Government Survey thereof, Dakota County, Minnesota, described as follows:

Beginning at the southwest corner of the Southeast Quarter of said Section 3; thence on an assumed bearing of North, along the west line of the Southeast Quarter of said Section 3, a distance of 680.00 feet; thence South 89 degrees 51 minutes 34 seconds East, a distance of 2156.81 feet; thence North 45 degrees 12 minutes 42 seconds East, a distance of 669.38 feet, to the east line of the Southeast Quarter of said Section 3; thence South 00 degrees 01 minutes 50 seconds East, along said east line, a distance of 1152.74 feet, to the southeast corner of the Southeast Quarter of said Section 3; thence North 89 degrees 51 minutes 34 seconds West, along the south line of the Southeast Quarter of said Section 3, a distance of 2632.49 feet, to the point of beginning. Containing 43.67 acres, more or less.

We appreciate this opportunity to be of service. If there are any questions or if I may be of further service, please contact me.

Sincerely,



David A. Johnson
Professional Land Surveyor

***** INFORMATIONAL MEMO *****

To: Honorable Mayor and City Council members
From: Lori A. Webster, Finance Director
RE: Utility billing changes
Date: September 9, 2002

We have now implemented E-Pay for City Utility bills. We had a few City employees that have been our brave test cases and are ready to sign up customers interested in this service. Attached , you will find information on this new service which will also be published in the City newsletter that will be mailed out the mid October.

Also new will be the statement bill. The first customers that will receive this bill will be in cycle 1 - the downtown area. A sample of the new format will also be published in the next City newsletter.

City moves to E-Pay for Utility Bills

Interested in making your life easier? Sign up for E-pay for your Utility bills! When you're on E-Pay plan, bill paying is easy and convenient because your bank automatically makes the scheduled payment. You save the cost of postage and checks, and you can relax knowing your bill is paid, even when you're away on vacation or business. And best of all, it's free.

The City of Hastings will still send you your bill as usual. Your bank will deduct your payment from your checking or savings account and pay the City of Hastings on the due date of your City of Hastings utility bill. You don't have to do a thing.

You may stop E-Pay plan at anytime by notifying the City of Hastings in written form requesting to be removed from E-Pay plan. It's easy to join E-Pay plan. Simply complete the attached form and return it to the City of Hastings. Please enclose a voided check or a deposit slip.

If you have any questions or need more information, please call the Finance Dept. at 651-437-4127.



E-Pay Plan Authorization Form

**Response coupon. Please complete entire form and
return to the City of Hastings**

Name(s) shown on City of Hastings Utility Bill _____

City of Hastings Account Number _____

Property Address _____

I have read and understand the attached letter. I want to be on E-Pay plan. I authorize City of Hastings to make debits from my checking/savings account to pay my City of Hastings utility bill.

Financial Institution Name _____
Type of Account Checking (please enclose a voided check) Savings (Please enclose a withdrawal slip)

Account Number _____

List your financial institution's routing/transit (ABA) number below. (It's the first 9 numbers on the bottom of your check or withdrawal slip).

Routing/Transit (ABA) number _____

Account Holder's Signature(s) _____

If you mail this form, send to:

**City of Hastings
Finance Department
101 4th Street East
Hastings, MN 55033**

CITY OF HASTINGS
E-PAY TERMS AND CONDITIONS

- **E-PAY** will directly charge the bank account you specified for the amount due. You will continue to receive a City of Hastings utility bill. On your payment due date, your financial institution will automatically deduct the payment from your bank account and we'll credit the payment to your City of Hastings utility account. If your due date happens to fall on a weekend or bank holiday, the payment will be processed the next business day.
- You'll notice a difference on your bill. A message towards the bottom of the bill will appear stating "DO NOT PAY - DEBIT CHECKING".
- Moving to a new location will affect your **E-PAY** Plan. If you move, your final bill will be paid through the **E-PAY** Plan, unless you make other arrangements. To continue your **E-PAY** Plan at your new location, simply reapply. Call us at the number on your bill and we'll be happy to send you a new application form.
- You can discontinue your **E-PAY** Plan whenever you choose. If you choose to discontinue your **E-PAY** Plan, just notify us in writing. Or, your **E-PAY** Plan may be disconnected through a written request from your financial institution.
- We will assess a "returned check charge" on any payment returned by the bank because of insufficient funds. The amount of the payment will be reversed from your utility account. The bill may now be considered delinquent, as in accordance with the City's Utility Billing Policies, this may result in late penalties being assessed. The amount now due would be the previous amount owed plus a NSF charge of \$30.00. An immediate remittance of payment for the dishonored check by cashiers check, money order or cash immediately, disconnection procedures will follow. If the City of Hastings receives two insufficient funds notices from your bank within a twelve-month period, we will assess a "return check charge" on each, and we will cancel your participation in the City of Hastings' **E-PAY** Plan.

Marty McNamara

From: Margo Underwood [dwu@netins.net]
Sent: Thursday, September 12, 2002 5:34 AM
To: mmcnamara@ci.hastings.mn.us
Cc: rtriplett@wm.com
Subject: Youth Recycling Project Report for Aug. - Sept.

TO: Marty McNamara and NRRC Members
FR: Margo Underwood, Waste Management Public Relations Coordinator, 641-420-3953
RE: Youth Recycling Project Highlights for August - September
September 12, 2002

Six-Month Report

The Youth Recycling Green Team Project reached a six-month milestone in July. Hats off to the two youth organizations, Boy Scout Troops 503 and 534, that the NRRC selected as Green Teams for the Youth Recycling Project. These Boy Scouts recycled a total of 46.5 tons of cardboard and mixed paper during these six months and received \$697.65 for their troops' activities. Excellent Work!

August-September Highlights

At the August 5 Hastings City Council Meeting, Marty presented Boy Scout Troop 534 with a framed Youth Recycling Green Team Award in recognition for their outstanding community recycling education activities during May, June, and July. Randy Triplett presented a check for \$367.65 for the 24.51 tons of mixed paper collected and recycled.

Girl Scout Troop 1584, the third Youth Recycling Green Team, (August, September, October), received their orientation July 16, and were introduced at the August 5 City Council Meeting. Since August 1, Troop 1584 has collected 10.66 tons of cardboard and mixed paper in the recycling box.

Waste Management coordinated these Community and Public Relations Activities to help promote the recycling project:

1. Aug. 5 Award and Check Presentation to Boy Scout Troop 534 & Introduction of Girl Scout Troop 1584 - Wrote/submitted news release to Hastings Star Gazette and Trade Winds. Published Aug. 11 and Aug. 15.
2. Coordinated photo with Girl Scout Troop 1584 and developed full-page Community Ad which was published in the Star Gazette on August 29.
3. Scheduled and participated in a KDWA news interview about the Youth Recycling Project on Sept. 10. Interview will also be shown on Hastings Cable Channel.

The Fall Issue of the Hastings Rivertown News will also include an article about the Youth Recycling Project and current Green Team, Girl Scout Troop 1584.

Thanks again for your continued enthusiasm and support. Feel free to contact me with suggestions and comments.

Best Regards,
Margo