

ORDINANCE NO. 433, SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING
CHAPTER 10.0 OF THE HASTINGS CITY CODE HAVING TO DO WITH:**

Section 10.20 C-3 Community Regional Commerce

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

Section 10.20 C-3 Community Regional Commerce Chapter 10 of the Hastings City code is amended by adding following text:

Section 10.20 C-3 Community Regional Commerce

SUBD. 3. Uses by Special Permit. is amended to read:

- C. Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use, less than 50% of the first level floor area and is located in the rear of the building with a separate outside entrance.

SECTION 10.26. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

PASSED AND ADOPTED by the Hastings City Council on this 6th day of July, 1998.

Attest:

_____/s/_____
Mike Werner, Mayor

_____/s/_____
Joyce Pruitt, City Clerk

Hastings, Minnesota

July 6, 1998

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, July 6, 1998 at 7:00 p.m. in the City Hall Council Chambers, 101 Fourth Street East, Hastings, Minnesota.

Members Present: Councilmember Yandrasits, Riveness, Simacek, Hicks & Mayor Werner

Members Absent: Councilmember Johnson and Moratzka

Staff Members Present: Dave Osberg, City Administrator;
Tom Montgomery, Public Works Director;
Lori Webster, Finance Director;
Mike Wozniak, Community Development Director;
Matt Weiland, Zoning Administrator;
John Grossman, HRA Director;
Joyce P. Hottinger, Administrative Assistant/City Clerk;
and Shawn Moynihan, City Attorney

Approval of Minutes

Mayor Werner asked whether there were any corrections or additions to the regular meeting of June 15, 1998, and hearing none, approved the minutes as presented.

Council Items to be Considered

City Administrator Dave Osberg asked Item No. C-1, Civic Arena Project Change Order, be removed from the agenda.

Consent Agenda

Moved by Councilmember Simacek, seconded by Councilmember Riveness, to approve the Consent Agenda as presented.

1. Pay All Bills as Audited
2. Election Judges for Special General Election
3. 1998 Updated Campaign Manual
4. Request to Close Off Street for Block Party
5. Tobacco License-Gardner House Restaurant Services for Fitch Public House
6. Application for Commercial Solid Waste Hauler License-All Star Disposal Inc.
7. Resolution No.7-1-98, Application for Gambling Premises-Hastings Downtown Association-at Professor Javas, located at 202 E. Second Street
8. Resolution No. 7-2-98, 1998 Fund Transfers
9. Resolution No. 7-3-98, 1998 Budget Transfers
10. Contract Agreement with Springsted for Continuing Disclosure and/or Arbitrage Rebate Services for 1998 Debt Issues
11. Resolution No. 7-4-98, Consenting to the Separation of U.S. West Communications and U.S. West Media Group
12. 1998 Rivertown Days Agreement
13. Order Public Hearing for July 20, 1998 to Consider a Request to Vacate Alley Right-of-Way -1403 and 1417 E. Third St.-Charles & Michael Reuter

Consent Agenda (Continued)

14. Resolution No. 7-5-98, Approve Award of Joint Fuel Facility Contract
15. Authorization to Advertise for Bids for 1998 Sealcoat Program
16. Resolution No. 7-6-98, "Safe and Sober Communities" Program

5 Ayes; Nays, None.

Public Hearing: Zoning Ordinance Text Amendment to C-3 District Use Regulations

Mayor Werner opened the Public Hearing at 7:02 p.m. to receive comments on the proposed Zoning Ordinance Text Amendment. Mayor Werner asked if there were any public comments on the issue, and hearing none, closed the public hearing at 7:03 p.m.

Ordinance No. 433-Second/Final Reading: Zoning Ordinance Text Amendment to C-3 District Use Regulations

Moved by Councilmember Yandrasits, seconded by Councilmember Simacek, to approve Ordinance No. 433, zoning ordinance text amendment to C-3 District Use Regulations.

5 Ayes; Nays, None.

Public Hearing: Zoning Ordinance Text Amendment to O-1 District Use Regulations

Mayor Werner opened the Public Hearing at 7:04 p.m. to receive comments on the proposed zoning ordinance text amendment. Mayor Werner asked if there were any public comments on the issue, and hearing none, closed the public hearing at 7:05 p.m.

Ordinance No. 434-Second/Final Reading: Zoning Ordinance Text Amendment to O-1 District Use Regulations

Moved by Councilmember Hicks, seconded by Councilmember Riveness, to approve Ordinance No. 434, zoning ordinance text amendment to O-1 District Use Regulations.

5 Ayes; Nays, None.

Public Hearing: Rezone-Ag. To R-3-Summit Point

Mayor Werner opened the Public Hearing at 7:05 p.m. to receive comments on the proposed rezoning for Summit Point. Community Development Director Mike Wozniak introduced the item. Dan Tilson, Planner for the Summit Point Project, requested, on behalf of the current home owner, Harold Featherstone, that Council defer action on the rezoning until formal action is taken on the final plat. Mayor Werner asked if there was any additional comments on the issue, and hearing none, closed the public hearing at 7:11 p.m.

Second/Final Reading: Rezone-AG. to R-3-Summit Point

Moved by Councilmember Simacek, seconded by Councilmember Yandrasits, to table the rezone request until consideration of the Summit Point final plat, and to direct the applicant to submit a written request to table action on the rezoning request.

5 Ayes; Nays, None.

Interpretation of 1997 Comprehensive Annual Financial Report & Audit Management Report

Finance Director Lori Webster introduced the item. Bill Lauer, Partner with Malloy, Montague, Karnowski, Radosevich & Co., P.A. (MMKR) reviewed the Management Report for the 1997 Financial Audit.

Mayor Werner thanked Finance Director Lori Webster and Bill Lauer for their work in obtaining the GFOA Certificate of Achievement.

Moved by Councilmember Hicks, seconded by Councilmember Simacek, to accept and approve the City's 1997 Comprehensive Annual Financial Report (CAFR) and accept the City Audit Management Report.

5 Ayes; Nays, None.

Replace Engineering, Building, and Community Development Computer Network Server

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to authorize City Staff to replace the Engineering, Building, and Community Development Computer Network Server from the General Fund Reserves, at a cost of approximately \$11,000 to \$14,000.

5 Ayes; Nays, None.

Report on Economic Hardship Regarding Appeal of HPC Denial of Vinyl Siding Permit

HRA Director John Grossman introduced the item and reviewed definitions of "Economic Hardship" relating to undue hardship, as used by zoning law.

Mayor Werner requested the HPC provide guidance, such as a checklist for Council consideration, for reviewing hardship cases for historic district deviations.

Moved by Councilmember Simacek, seconded by Councilmember Yandrasits, to take from the table from June 01, 1998, the motion to affirm the Historic Preservation Commission recommendation to deny the building permit request to allow for the installation of vinyl siding.

4 Ayes; Nays, 1 Werner.

Moved by Mayor Werner, seconded by Councilmember Hicks, to amend the earlier motion to direct the HPC to develop guidelines for the City Council for reviewing appeals of Heritage Preservation Commission actions.

Pam Thorsen, on behalf of the HPC, provided comments on the intent of the Historic District. Owners Angela Wilcox and Joe Melson expressed concern with decision standards and indicated they received a letter from Mary Watson encouraging vinyl siding for the property.

City Council vote on the amendment to direct the HPC to develop guidelines to the City Council for reviewing appeals of Heritage Preservation actions.

5 Ayes; Nays, None.

City Council vote to affirm the HPC action to deny the building permit request to allow for the installation of vinyl siding, based on the following findings; and direct the HPC to develop guidelines for the City Council for reviewing appeals of Heritage Preservation Commission actions.:

- a. Siding with vinyl is not consistent with the objectives of the preservation ordinance and designation of historic districts in that the proposed alteration will "adversely impair the significance or character of the Heritage Preservation Site." The historic character of a building is largely established by the building style and materials, both of which will be concealed by siding. (Sect. 2.18, Subd. 6 Review of Permits, E.1 Criteria, City Code).
- b. The proposed alteration is not consistent with the Secretary of Interior's Standards for Rehabilitation of National Register properties adopted by reference in the Ordinance: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." Subd. 6.E.1. (f)

- c. The proposed alteration is not consistent with the HPC guidelines for historic residential districts: "Buildings originally clad in wooden siding should not be resurfaced with brick... or vinyl or aluminum siding."

5 Ayes; Nays, None.

Summit Point Preliminary Plat

Community Development Director Mike Wozniak introduced the item. Dan Tilson, on behalf of the applicants, indicated he agreed with the Planning Commission's recommendation for alternate #1. Mr. Tillson requested additional language be added to condition #13: "unless a 20 ft. easement, in a form acceptable to the City, along the north side of road, can be obtained before the final plat," regarding platting of additional 20 ft. right-of-way.

Mayor Werner stepped out of the City Council meeting at 8:00 p.m. Paul Hicks presided as Acting Mayor. Mayor Werner returned to the City Council meeting at 8:01 p.m.

Moved by Councilmember Simacek, seconded by Councilmember Riveness, to approve the Summit Point Preliminary Plat subject to the following conditions:

1. Rezoning of the subject property from Agriculture to R-3 PRD.
2. That the preliminary plat be designed according to Concepts for Summit Point-Alternative 3.
3. That the preliminary plat grading plan must be modified to redirect runoff away from abutting properties.
4. The applicant be required to identify drainage and utility easements as recommended by Public Works Director Montgomery on the final plat.
5. That the developer shall comply with DSWCD recommendations.
6. That the developer shall pay cash in lieu of land to meet park dedication requirements at the rate which has been established by the City Council at the time of final plat approval. The per residential unit cash in lieu of land requirement may be paid at the time of building permit issuance for each residential unit.
7. That proposed street names be changed prior to final platting to avoid confusion between Summit Point Drive and Summit Point Lane.
8. That the applicant shall pay Interceptor Sewer Fees as established by City Council at the time of final plat approval prior to City release of final plat hardshells.
9. That the developer shall obtain Site Plan approval from the City prior to issuance of any building permits.
10. That the developer shall construct the temporary 20 ft. wide gravel drive as part of Phase One, connecting to Featherstone Road.
11. That the Developer shall be required to complete the watermain loop out to Featherstone Road as soon as the water main and Featherstone Road have been installed.
12. Platting of the right-of-way for the propose Summit Point Lane through Phase II as part of the Phase I-Final Plat.
13. Platting of an additional 20 ft. of right-of-way along the subject properties 660 feet of frontage on Featherstone Road to permit the construction of a storm water out fall in the Oakwood Cemetery Ravine, unless a 20 ft. easement, in a form acceptable to the City, along the north side of the road can be obtained before final plat.

14. That reference shall be made in the Development Agreement that the Developer must provide evidence to the City that common areas including the proposed cul-se-sac island and ponding areas will be maintained by a homeowner's association prior to issuance of any building permits for residential construction.
 15. That the Developer shall enter into a Development Agreement with the City to memorialize conditions of preliminary plat approval and that the executed Agreement shall be recorded against the subject property prior to issuance of any grading and/or building permits.
- 5 Ayes; Nays, None.

R-2 District: Use Interpretation-520 Ramsey Street

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to approve conversion of an existing tri-plex at 520 Ramsey Street in to a four-plex.

5 Ayes; Nays, None.

Authorize Sale of Industrial Park Property to Jerry Grotjohn

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to authorize the sale of Lot 4 & Lot 7, Block 1, Hastings Industrial Park No. 4 subject the following conditions:

1. Payment to the City of \$14,099 with 10% earnest money to be paid upon execution of a purchase and the balance to be paid at closing; and
2. Completion of sale within six months of Council authorization; and
3. Site plan approval; and
4. Design and construction of a private driveway and water and sanitary sewer improvements required to serve the subject property.

5 Ayes; Nays, None.

Site Plan-Lot 4 & 7, Block 1, Hastings Industrial Park No. 4-Jerry Grotjohn

Moved by Councilmember Simacek, seconded by Councilmember Riveness, to approve the site plan for Custom Asphalt for a 2,700 square foot building and related site improvement to be constructed on Lot 4 & Lot 7, Block 1, Hastings Industrial Park No. 4, subject to the following conditions:

1. To any forth coming recommendations of the Public Works Director, prior to building permit issuance; and
2. That a cross easement be recorded against the respective parcels to insure that both parcels have access to a public street, prior to issuance of the certificate of occupancy; and
3. Approval by the Community Development Director of building the sod elevation sketches prior to building permit issuance.

5 Ayes; Nays, None.

Clarification of Rezone-AG to R-3-Summit Point

Moved by Councilmember Hicks, seconded by Councilmember Simacek, to remove from the table from the July 6, 1998 Council action, the proposed rezoning request for Summit Point.

5 Ayes; Nays, None.

Administrative Assistant/City Clerk Hottinger reviewed Council action on the earlier motion.

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits, to retable the rezone request until consideration of the Summit Point final plat, with direction to the applicant for submittal of a written request to table action on the rezoning request.

5 Ayes; Nays, None.

Resolution No. 7-7-98, Remove/Repair Order at Sirett Court

Moved by Councilmember Hicks, seconded by Councilmember Riveness, to approve Resolution No. 7-7-98 an order of the City Council for the removal or repair of the structure located at 3685 Sirett Court, Hastings, Minnesota.

5 Ayes; Nays, None.

Comments from the Audience

Cathy and Duane Little, 1022 E. 3rd Street, expressed concern about the construction of the road on Adams and the required easement.

Public Works Director Tom Montgomery stated City Forester Smith recommended shifting the Adams Road to save an existing hackberry tree, existing 40-year old vines and a fence on a property located to the west.

The Little's clarified their desires to have the City Council move the Adams Road towards the west.

Staff recommended shifting Adams Street one foot to the east.

New Business


City Administrator Dave Osberg, announced a Special City Council meeting to discuss Comprehensive Plan issues on Monday, July 13, 1998.

Councilmember Riveness suggested the Council investigate upgrading the parking lot by the Marina while working on the 2nd Street Project. Mayor Werner directed Staff to identify the City of Hastings and the Renters obligations for the Marina to determine the lease requirements and property limits relating to maintenance of the Marina.

Adjournment

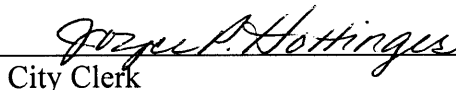
Moved by Councilmember Simacek, seconded by Councilmember Riveness, to adjourn the regular meeting at 8:40 p.m.

5 Ayes; Nays, None.



Mayor

ATTEST



City Clerk