

ORDINANCE NO. 426, SECOND SERIES

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

SECTION 10.11. AGRICULTURE

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

SECTION 10.11. AGRICULTURE Chapter 10 of the Hastings City code is amended by adding following text:

SECTION 10.11. AGRICULTURE

SUBD. 2. Permitted Uses. Is amended to read:

- m. Cluster Developments so as to provide an alternative to rural subdivisions. Home locations may be placed closer together as well as the overall subdivision density still meets the one home per 10 acres density. Cluster developments are intended to preserve and enhance open space and natural amenities. Cluster developments are subject to the requirements of Chapter 10 including, but not limited to, Section 10.27 (Site Plan Review), Chapter 11 (Subdivision Ordinance). Variation in lot sizes and yards are permitted while maintaining the overall density required by the underlying zoning district.

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 2nd day of March 1998.

Attest:

Mike Werner, Mayor

Joyce Pruitt, City Clerk

Hastings, Minnesota

March 2, 1998

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, March 2, 1998 at 7:00 p.m. in the City Hall Council Chambers, 101 4th Street East, Hastings, Minnesota.

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

Members Absent: Councilmember Simacek & Moratzka

Staff Members Present: Dave Osberg, City Administrator;
Tom Montgomery, Public Works Director;
Marty McNamara, Parks & Recreation Director;
Mike Wozniak, Community Development Director;
Dave Gurney, City Engineer;
Joyce L. Pruitt, 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 February 17, 1998 and special meeting of February 22, 1998, and hearing none, approved the minutes as presented. 27 JPH

Council Items to be Considered

Moved by Councilmember Riveness, seconded by Councilmember Johnson, to add the Registered Land Survey for Hastings Industrial Park No. 1 as Consent Item No. 11, and to add the Clearing of Errors on a Legal Description for the Mike O'Connor Property as No. 12 to the Consent Agenda. 5 Ayes; Nays, None.

Consent Agenda

Moved by Councilmember Riveness, seconded by Councilmember Yandrasits, to approve the consent agenda as amended, with the addition of No. 11 as Registered Land Survey for Hastings Industrial Park No. 1, and the addition of No. 12 as the clearing of Errors on a Legal Description for the Mike O'Connor Property.

1. Pay All Bills as Audited
2. Resolution No. 3-1-98 Arbor Day Proclamation
3. Liquor License Amendment and Dance Licence Request for July 18, 1998 from Papa Charritos
4. Resolution No. 3-2-98 - Application for Renewal of Premise Permit for Lawful Gambling at American Legion Post #47-50 Sibley Street
5. Resolution No. 3-3-98 - Charitable Gambling Premise Permit Application - Outreach Six Acres Inc. at The Bar, Friar Tucks and R.J.'s Tavern on Main
6. Hazard Communication Policy
7. Pay Estimate #7, Redevelopment of Wells #3 & #4 (Previously Well #8 Construction), Keys Well Drilling, \$17,913.50
8. Resolution No. 3-4-98 - Received Feasibility Report and Order Public Hearing, 1998 Street and Utility Improvement Program
9. Resolution No. 3-5-98 - 1997 & 1998 Budget Adjustments and Transfers
10. Order Public Hearing - Vacate Bailey Street Right-Of-Way - Cemstone Property
11. Registered Land Survey for Hastings Industrial Park No. 1
12. Clearing of Errors on a Legal Description for the Mike O'Connor Property

5 Ayes; Nays, None.

Public Hearing - Proposed Revisions to Private Subdivision Development Inspection Policy

Mayor Werner opened the Public Hearing on the proposed revisions to the Private Subdivision Development Inspection Policy at 7:02 p.m. Director of Public Works Tom Montgomery introduced the item. Mayor Werner asked whether there was any public comment on the proposed revisions and hearing none, closed the public hearing at 7:03 p.m.

Public Hearing - Zoning Texts Amendment - AG Uses

Mayor Werner opened the Public Hearing on the proposed Zoning Text Amendment for AG Uses at 7:04 p.m. Community Development Director Mike Wozniak introduced the item. Mayor Werner asked whether there was any public comment on the issue, and hearing none, closed the public hearing at 7:05 p.m.

East 18th Street Light

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to remove from the table a motion to relocate the street light wire underground along 18th Street from Mr. Kochendorfer's tree at a cost of approximately \$2,000 to the City, made at the January 5, 1998 Regular City Council meeting. 5 Ayes; Nays, None.

A roll call vote was taken on the motion, previously moved at the January 5, 1998 City Council Meeting, to relocate the street light wire underground along 18th Street from Mr. Kochendorfer's tree at a cost of approximately \$2,000 to the City. Ayes, 1 (Yandrasits). Nays, Councilmember Riveness, Johnson, Hicks and Mayor Werner.

Proposed Revisions to Private Subdivision Development Inspection Policy

Moved by Councilmember Johnson, seconded by Councilmember Yandrasits, to adopt the proposed Inspection Policy Revisions. 5 Ayes; Nays, None.

Authorization to Proceed with Public Works Garage Fuel Tank Replacement

Public Works Director Tom Montgomery introduced the item. Councilmember Yandrasits clarified the consulting engineering costs were not included in the budgeted amounts for fuel tank replacement.

Moved by Councilmember Riveness, seconded by Councilmember Johnson, to authorize Staff to proceed with replacing the fuel tanks at the Public Works garage site, and to authorize Staff to contract with the consulting engineering firm to prepare plans and specifications for the project. 5 Ayes; Nays, None.

Ordinance No. 426 - 2nd/Final Reading - Zoning Text Amendment - AG Uses

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits, to approve the 2nd/Final Reading for Zoning Text Amendment for Ordinance No. 426 - AG Uses. 5 Ayes; Nays, None.

Mayor Werner clarified that Items No. 1, 2 & 4 on the City Council Agenda, listed under Community Development Director, would require a five out of five affirmative Council vote in order to be approved.

1st Reading/Order Public Hearing - Rezone 600 East 21st - Cemstone

Moved by Councilmember Hicks, seconded by Councilmember Johnson, to approve the 1st Reading and Order a Public Hearing for March 16, 1998 for an Ordinance to rezone 600 East 21st Street - Cemstone property from (AG) Agriculture to (I-1) Industrial Park. 5 Ayes; Nays, None.

Vermillion State Bank - 1st Reading Order Public Hearing - Rezone South Frontage Road/Lyn Way Site

Moved by Councilmember Riveness, seconded by Councilmember Johnson, to deny the requested comprehensive plan amendment and rezoning due to the reduction in size and possible elimination of the only site in the City currently planned and zoned for higher density residential use (more than eight residential units/acre), and concerns that this site may not be the best location to expand commercial use. The Council and Planning Commission felt that a change in the proposed land use for this property should be further discussed in conjunction with the 1998 comprehensive plan revision work now underway.

Councilmember Hicks moved, Councilmember Yandrasits seconded, to table Items No. 3, Vermillion State Bank-Comprehensive Plan Amendment and No. 4, Vermillion State Bank-1st Reading order Public Hearing for rezoning, to the Planning Committee of the City Council for further consideration. 5 Ayes; Nays, None.

Comprehensive Plan Amendment - MUSA Boundary Adjustment - Hastings Industrial Park

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits, to approve an amendment to the City of Hastings Comprehensive Plan to expand the Hastings Municipal Urban Service Area to include an additional 64 acres of the Hastings Industrial Park legally described as follows:

Part "A"

The north ½ of the NW ¼ of the SW ¼ of Section 35, Township 115, Range 17. Dakota County, MN (19.91 acres); and

Part "B"

Lot 1, Block 2, and Lot 1, Block 4, Hastings Industrial Park No. 3, on file or record in the office of the County Recorder, Dakota County, Minnesota (39.55 acres); and

Part "C"

Lot 1 & Lot 2, Block 7, Hastings Industrial Park No. 2, on file or of record in the office of the County Recorder, Dakota County, Minnesota (4.25 acres.)

5 Ayes; Nays, None.

Riverwood 7th Addition Preliminary Plat

Moved by Councilmember Riveness, seconded by Councilmember Yandrasits, to table taking action on the Riverwood 7th Addition Preliminary Plat until all Councilmembers are in attendance at a Council meeting. 5 Ayes; Nays, None.

Municipal Outdoor Pool - Final Design Proposal

Tim Gremmer of Gremmer and Associates, the City's Outdoor Swimming Pool Project Consultant, provided a brief overview of the Outdoor Pool Plan for Roadside Park.

Mayor Werner inquired whether the \$1.8 million figure included improvements for on-street parking on 10th Street. Tom Montgomery clarified the \$110,000 allocated for parking on streets around the pool is not included in the \$1.8 million set aside for the outdoor Roadside Park Swimming Pool.

Mayor Werner directed City Attorney Shawn Moynihan to render an opinion on the intent of the original motion in Resolution No. 11-2-97 for \$1.8 million. Turney Hazlet, Chairperson for the Natural Resources and Recreation Commission, outlined multi-purpose uses for Roadside Park parking areas. Parks & Recreation Director, Marty McNamara, clarified the next step in the process is to schedule a meeting with Roadside Park neighbors on Thursday, March 12th to review the final plans for the outdoor swimming pool.

Koch Refining Pending Permit and MPCA Actions

Representatives from Koch Refining Company reviewed several permits on public notice in the up coming months. They advised Koch had created a Community Advisory Council to better inform the public and invited interested parties to attend the Open House at Koch Refinery on Wednesday, March 4th from 4 to 8 p.m.

Mayor Werner stepped out of the City Council meeting at 8:15 p.m. Councilmember Hicks was the Acting Mayor. At 8:16 p.m. Mayor Werner returned to the Council meeting as Mayor.

Adjourn to Closed Door Session - Police Department Union Contracts

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to adjourn to closed door session at 8:25 p.m. 5 Ayes; Nays, None.

Convene Closed Door Session

The closed door session was convened at 8:27 p.m. to discuss Police Department Supervisors Union Contracts. All Councilmembers with the exception of Councilmembers Simacek, Moratzka and Riveness were present. Councilmember Riveness entered the meeting at 8:29 p.m.

Closed Door Adjournment

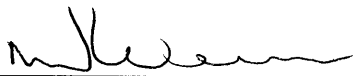
Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to adjourn the closed door session at 8:55 p.m. 5 Ayes; Nays, None.

Reconvene Regular Meeting

The regular City Council meeting was reconvened at 8:56 p.m. All Councilmembers were present with the exception of Councilmembers Moratzka & Simacek.

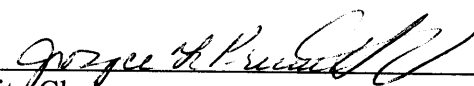
Adjournment

Moved by Councilmember Hicks, seconded by Councilmember Riveness, to adjourn the regular meeting at 8:56 p.m. 5 Ayes; Nays, None.



Mayor

ATTEST



City Clerk