

ORDINANCE NO. 444, SECOND SERIES

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

SECTION 10.07. SPECIAL PROVISIONS

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

SECTION 10.07. SPECIAL PROVISIONS Chapter 10 of the Hastings City code is amended as follows:

SECTION 10.07. SPECIAL PROVISIONS.

Subd. 1. Temporary outdoor merchandising events may be allowed as an accessory use within the C-1, C-2, C-3, C-4 and C-5 zoning districts, subject to the requirements of this Section. For the purposes of this Section, "merchandising event" or "event" is defined to include the promotion and sale of goods and/or services, including but not limited to, inventory reduction or liquidation sales, distressed merchandise sales, seasonal sales and special event sales. The following standards shall apply to all temporary outdoor merchandising events in private parking lots:

- a. A proposed event and any temporary structures to be used in that event must meet all applicable building, fire and electrical codes and adopted appendixes and city ordinances.
- b. One event shall not exceed 60 consecutive calendar days. Any combination of events shall not exceed 60 calendar days per site per calendar year. For purposes of this Section, shopping centers shall be considered one site and one event shall not exceed 60 consecutive calendar days and any combination of events held at a shopping center shall not exceed 75 calendar days per calendar year.
- c. No merchandise shall be sold which would violate the City's zoning ordinances.
- d. Temporary structures may be used, provided they will not impair the parking capacity, emergency access or the safe movement of pedestrian and vehicular traffic on or off the site. All temporary structures shall be constructed with materials approved for weather-exposure durability and appearance. All temporary structures shall be removed within 24 hours after the end of the event.
- e. The site shall have adequate off-street parking will exist for the proposed event and adjoining buildings. In multi-tenant buildings, consideration will be given to the parking needs of the other tenants. In no event, can designated handicapped parking spaces or handicapped access be impaired by an event.
- f. All signs related to the event shall comply with the standards of the zoning district.

Hastings, Minnesota
May 1, 2000

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, May 1, 2000 at 7:00 p.m. in the City Hall Council Chambers, 101 4th Street East, Hastings, Minnesota

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

Members Absent: None

Staff Members Present: Dave Osberg, City Administrator;
Shawn Moynihan, City Attorney;
Matt Weiland, City Planner;
Marty McNamara, Parks & Recreation Director;
Tom Montgomery, Public Works Director;
John Grossman, HRA Director;
and Melanie Mesko, Administrative Assistant/City Clerk

Approval of Minutes

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of April 17, 2000 and the special meeting of April 24, 2000 and hearing none approved the minutes as presented.

7 Ayes; Nays, None.

Council Items to be Considered

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to add Councilmember Riveness's memo in regards to dogs running unleashed as Item 5 under City Administrator.

7 Ayes; Nays, None.

Consent Agenda

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

7 Ayes; Nays, None.

1. Pay All Bills As Audited
2. Roadside Park-Authorize Advertisement for Bids for Playground Equipment
3. First Reading and Order Public Hearing for an Ordinance authorizing the HRA to exercise housing powers on behalf of the City of Hastings
4. Request for Compensatory Time Carryover
5. 1999 Holiday Hours Carryover
6. Authorize Advertisement for Bids for 4th Street Water Tower Painting
7. Accept Proposal for Public Works Garage Cleaning
8. Resolution No. 5- -00-Final Payment RKI-1997 Construction
9. Bass Street Vacation Petition-Order Public Hearing

Wallin Park-Grading & Seeding

Moved by Councilmember Johnson, seconded by Councilmember Riveness, to approve the bid from SDS Inc., for the Wallin Park Site Improvement Project in the amount of \$60,624.

7 Ayes; Nays, None.

Public Hearing-Chapter 10 Zoning Ordinance Amendment (Garden Centers)

Mayor Werner opened the Public Hearing at 7:03 p.m. City Planner Matt Weiland outlined some changes recommended for approval: garden centers would be allowed by a permit process, for a period not to exceed 90 days, and not to go past June 30th each year. Hearing no public comment, the public hearing was closed at 7:04 p.m.

Moved by Councilmember Hicks, seconded by Councilmember Simacek, to approve the Second Reading of Chapter 10 Zoning Ordinance Amendment and to approve the ordinance amendments as presented by staff.

7 Ayes; Nays, None.

Award of Contract-2000 Street & Utility Improvement Program

Moved by Councilmember Hicks, seconded by Councilmember Simacek, to accept the low bid by RKI, Inc., in the amount of \$1,925,021.38 for the 2000 Street & Utility Improvement Program.

7 Ayes; Nays, None.

Resolution No. 5-3-00 No Parking on Barker Street South of 3rd Street

Public Works Director Montgomery stated that he had received a request to prohibit parking on Barker Street South of 3rd Street; the Council tabled this item at its April 17th meeting. Since that meeting Jerry Hoeschen, 806 W. 6th Street has proposed widening the south end of Barker Street to create room for two on street parking stalls as an alternative to prohibiting the parking on the whole length of Barker Street. Council opened this issue up for a public comment. Terry Frank, 1218 E. 3rd Street stated he felt there is enough room on the road without widening as long as parking was prohibited on the street. Jerry Hoeschen stated he felt his proposal to straighten out the street to allow for parking on the street was a reasonable accommodation. Marlene Nogle, 1304 E. 3rd Street stated that she felt that on street parking is often a problem and that she would prefer a prohibition to the parking.

City Staff and Council discussed several options including widening the street, prohibiting parking on the entire street, and prohibiting parking along certain portions of the street.

Moved by Councilmember Yandrasits, seconded by Councilmember Johnson, to prohibit parking on Barker Street South of 3rd Street.

7 Ayes; Nays, None.

Moved by Mayor Werner, seconded by Councilmember Hicks, to amend the motion to direct Staff to put a signage prohibiting parking on Barker Street South of 3rd Street to a point where parking no longer interferes with the access to abutting properties, as determined by the Public Works Director.

7 Ayes; Nays, None.

Variance-Setback Variance (1303 3rd Street East)

Moved by Councilmember Yandrasits, seconded by Councilmember Riveness, to approve the variance at 1303 East 3rd Street to construct an addition to a non-conforming structure.

7 Ayes; Nays, None.

Site Plan-Garage Move (720 3rd Street West)

Moved by Councilmember Yandrasits, seconded by Councilmember Johnson, to approve the garage move at 720 3rd Street West, with Staff to work with the homeowner at 738 3rd Street West to help protect privacy and to locate the garages in as mutually beneficial a location as possible for both property owners.

7 Ayes; Nays, None.

Site Plan-Jablonske Office Building (314 Vermillion Street)

City Planner Weiland stated that this project is for a redevelopment project for property damaged by fire in 1999. Most of the building will be razed and a new office building and parking lot will be constructed on the site.

Councilmember Moratzka requested that the 4th Street driveways line up with the bank curb cut across the street. When questioned about signage on the roof, Planner Weiland stated that the signage request approval would require a sign permit prior to installation.

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits, to approve the site plan for Jablonske Office Building at 314 Vermillion Street, with Staff to work on the issues as discussed by Council.

7 Ayes; Nays, None.

Classification and Compensation System Report

Moved by Councilmember Johnson, seconded by Councilmember Riveness, to accept the study with an effective date of July 1, 2000 and for Staff to begin the establishment of a step progression program.

7 Ayes; Nays, None.

Liquor License Violation

City Attorney Shawn Moynihan stated that during a recent compliance check by the Hastings Police Department, three businesses sold liquor to under age individuals. The three establishments are Liquor Locker, Holiday Gas Station and Rivers Grill & Bar. As a first offense, Council directed that a letter be sent to Holiday and Rivers as a warning for failing the compliance check.

Moynihan noted that this is the Liquor Locker's second violation in five months and that Police Chief McMenemy and Moynihan were requesting that the City Council consider a temporary suspension of the Liquor Lockers' license for at least one day and up to three days.

Moved by Councilmember Moratzka, seconded by Councilmember Riveness, to set a hearing date for May 15, 2000 for possible suspension of Liquor Locker's license up to three days and Staff to send a letter of warning to Rivers & Holiday.

7 Ayes; Nays, None.

Staff was also directed to research whether penalty provisions should be included in the City Code to ensure consistency.

Golf Course Project Discussion

City Administrator Osberg requested 3 items: that Springsted Financial Advisors complete their analysis of a Golf Course Market Study to review financial information available from Colbert, Burns & McDonnell to establish financial feasibility report on the Golf Course; to request that Springsted appear at an upcoming City Council meeting to present the finding of their report on the Industrial Park utilization and fiscal analysis, and; to extend to November 1, 2000 the letter of intent or exclusivity between the City of Hastings, Minnesota and Colbert, Burns & McDonnell LLC.

Curtis Walker, Executive Director of the Minnesota Golf Course Owners Association presented his organization's views on the possibility of a City-owned Golf Course. Fran Cahill, 211 W. 14th Street, said that he does not support a Golf Course in the Industrial Park. Tom Furlong, who is developing a Golf Course on Hwy 55, spoke against a City Golf Course. Jim Holmes, 1321 Jackson Drive, said he was concerned with the economics of another course. John Lorenz, 1498 Westview Drive, felt the negatives of a project like this outweigh the positives. Clarence Rotty also expressed concern of the project.

Councilmember Hicks said that the Council welcomes public input as well as the input of the NGCOA. Hicks stressed that the City is trying to look at all options for the land. Hicks stated he would like to see the letter of intent extended to November 20th, the second Council meeting in November.

Moved by Councilmember Hicks, seconded by Councilmember Yandrasits, to accept the recommendations and staff report with the letter of exclusivity to be extended to November 20, 2000.

7 Ayes; Nays, None.

Uncontrolled Dogs

Councilmember Riveness expressed concerns over dogs running uncontrolled in some of the City's new developments.

Mayor Werner indicated that should residents have a problem with this, they can call the Police Department and the Animal Control Officer will be dispatched. At the May 15th Council meeting, information will be available to the Council regarding the number of calls the Animal Control Officer has received.

Comments from Audience

Bob Hollenbeck, 212 2nd Street indicated that it is hard for members of the public sitting in the Council Chambers to see and hearing the proceedings of the Council and requested that the system be evaluated for improvements. Council thanked Mr. Hollenbeck for his comments and directed Staff to further work on the audio and visual system in the Council Chambers.

Reports from City Committees, Officers and Councilmembers

City Administrator Osberg stated that the City-wide Clean Up was held on Saturday, April 29th at the Public Works Garage and that over 319 vehicles visited throughout the day.

Councilmember Johnson thanked City Staff for organizing and conducting the clean up for the residents of Hastings.

Mayor Werner reported that the Police Civic Service Commission had conducted examines and interviews for an additional Lieutenant position and two additional Sergeant positions.

Sergeant Kegley will be promoted to Lieutenant and Officers Jim Rgnonti and Val Scharfe will be promoted to Sergeant.

Closed Door Session


Moved by Councilmember Simacek, seconded by Councilmember Moratzka, to adjourn to a Closed Door Session at 8:44 p.m. to discuss pending litigation.

Adjourn the Closed Door Session & Resume the Regular Council Meeting


Moved by Councilmember Simacek, seconded by Councilmember Hicks, to adjourn the closed-door session and resume the regular Council meeting at 9:00 p.m.
7 Ayes; Nays, None.

Adjournment

Moved by Councilmember Moratzka, seconded by Councilmember Johnson to adjourn the meeting at 9:05 p.m.
7 Ayes; Nays, None.



Mayor

ATTEST 

City Clerk