

**ORDINANCE NO. 549,
SECOND SERIES**

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA ADOPTING CHAPTER
10, SECTION 10.09, SUBD. 2D OF THE HASTINGS CITY CODE PERTAINING TO:**

RESIDENTIAL DRIVEWAY STANDARDS

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

Section 10.09, Subd. 2D - Parking Drive Access and Location is hereby amended as follows:

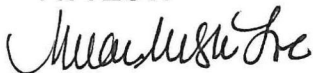
- D. Access and Location.
1. Parking areas shall be designed to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed 24 30 feet in width for residential uses and 32 feet in width for commercial, office or industrial uses at the property line and Driveways shall be so located as to cause the least interference with traffic movement. All driveway widths shall be measured from the property line, not the roadway. Driveways must be located at least three (3) feet from the extension of the side lot line from the property line to the curb to accommodate the driveway apron. Driveways abutting a public street must have a minimum three (3) foot landscaped separation between any adjacent driveway.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

ADOPTED by the Hastings City Council on this 17th day of April, 2006.

Michael D. Werner, Mayor

ATTEST:



Melanie Mesko Lee, 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 17th day of April, 2006, as disclosed by the records of the City of Hastings on file and of record in the office.



Melanie Mesko Lee, City Clerk

(SEAL)

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

**Hastings, Minnesota
City Council Minutes
April 17, 2006**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, April 17, 2006 at 7:00 p.m. in the Council Chambers at the Hastings City Hall, 101 East 4th Street, Hastings, Minnesota.

Members Present: Councilmembers Alongi, Hazlet, Hicks, Moratzka, Riveness, Schultz and Mayor Werner

Members Absent: None

Staff Members Present: City Administrator David Osberg
Assistant City Administrator Melanie Mesko Lee
City Attorney Shawn Moynihan
Planning Director John Hinzman
HRA Director John Grossman
Parks & Recreation Director Barry Bernstein

Approval of Minutes:

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of Monday, April 3, 2006. Hearing none, the minutes were approved as presented.

Consent Agenda

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

1. Pay Bills as Audited
2. Resolution—Approve Fireworks License at Cub Foods
3. Order Public Hearing—Vacation of Easement #2006-20: Hastings Industrial Park No. 7
4. Resolution—Final Plat #2006-19: Featherstone Oaks (1803 Featherstone Road)
5. First Reading/Order Public Hearing—Ordinance Amendment #2006-10: Landscape Ordinance
6. Approve Assistant City Engineer Job Description
7. Pay Estimate #13—Project 2004-1: Westwood Improvement Program: 3 Rivers Construction (\$24,400.34)
8. Pay Estimate #7—Project 2005-2: Dakota Hills Improvement Program: Pember Companies (\$1,914.25)
9. Approve Change Order #2 for 2004 Westwood Area Improvements
10. Approve Hiring Process for Full-Time Firefighters
11. Approve Changes to Purchase and Development Agreement with Midwest Products
12. Approve Hastings Family Aquatic Center Business Plan Committee Recommendations

13. Approve Budget Adjustment—Riverwood Park Security Park Light
14. Approve Agreement with Hastings Hockey Boosters for Dry Floor Training Area at Civic Arena
15. Approve Park Curfew Waiver at CP Adams Park for Alano Society on July 8, 2006
16. Approve Comp Time Carryover Request
17. Approve Budget Adjustment-Police Department
18. Approve Volunteer Firefighter Relief Association Pension Adjustment

7 Ayes, Nays, None.

Copy of resolutions on file.

Public Hearing—Closure of Third Street Railroad Crossing for Quiet Zone

HRA Director Grossman provided background on the project, which included hiring HDR Engineering to conduct an assessment of the conditions and improvements needed to qualify for a quiet zone, which is a corridor where trains do not blow their horns at crossings. Both the main line and the spur track were included in the study.

Leif Thorson of HDR provided the results of the assessment. The memo recommends closing the Third Street crossing in lieu of installing gates and flashers and supplemental measures. The HRA requests that the application for a quiet zone on the main line at Second Street crossing. The improvements to qualify for a quiet zone would be approximately \$180,000 to move one gate and install supplemental measures at Second Street only. The study also recommends that the City consider a “do nothing” option for the mill spur due to cost constraints.

Mayor Werner opened the public hearing at 7:13 p.m.

Bess Freeman, 522 Lea Street and President of the East Hastings Association read a statement opposing the closing of 3rd Street for accessibility reasons.

Clarence Chapman, 623 East 3rd Street, stated that the mitigation required for a quiet zone would be detrimental, that he felt 3rd Street should stay open but be improved, and that he did not have a problem with the train whistles.

Larry Christianson, 275 Whispering Lane, stated that the trains and its horns are part of the fabric of the community. He also stated that the City has already given a lot of concessions to the developer.

Paris Pasch, 518 East Second Street, stated that the horns are not a problem, but the primary concern should be with improving safety.

Ron Shanda, 305 East 4th Street, stated concern with accessibility to east Hastings and stated that the long-time residents are not bothered by the train whistles.

Amy Martin, 220 East 7th Street, stated that she enjoys the sound of the train whistles, and that the 3rd Street crossing is unsafe.

Chris Winter of Sherman Associates, stated support for the quiet zone application to proceed

Hearing no further comments, Mayor Werner closed the public hearing at 7:29 p.m.

Resolution—Authorizing Application for Quiet Zone

Councilmember Schultz asked if there are safety issues present at the existing 3rd Street crossing. Grossman stated that to qualify for a quiet zone, 3rd Street would either need to be gated at a cost of \$250,000 or it could be closed.

Councilmember Moratzka asked if 3rd Street is eligible for federal safety funds. Grossman stated that the closing would be at the City's expense with no federal safety funds available, but that CP Rail and MnDOT both have grant money which could be

applied for. Thorson stated that the low traffic would make this a low priority for grant dollars.

Councilmember Riveness stated that this type of request has been made in the past and previously rejected due to cost concerns. He stated he would not support the quiet zone application.

Moved by Councilmember Riveness, seconded by Councilmember Hazlet to deny the resolution authorizing application for a quiet zone.

Councilmember Alongi asked if train traffic has recently increased. Thorson stated that this is a main CP corridor and it's possible that the traffic has increased, although he does not have firm numbers.

Alongi asked about the availability of funding. Grossman stated that the HRA has money available to fund the 2nd Street accessibility improvements and close 3rd Street access. Alongi stated support for closing the 3rd Street access.

Moved by Mayor Werner, seconded by Councilmember Alongi to amend the original motion to do nothing on the quiet zone application, close 3rd Street to regular traffic, but accessible to emergency vehicles through breakaway barriers, and make no changes to 2nd Street.

Councilmember Hazlet requested more information on having the developers pay for 2nd and 3rd Street changes.

Councilmember Hicks stated support for the amendment to the motion closing the 3rd Street access, which would be consistent with Red Rock corridor needs in the future. He stated that the funds are currently available to eliminate noise pollution.

Votes were taken on the following motions:

Amendment to the original motion, to do nothing on the quiet zone application, close 3rd Street to regular traffic, but accessible to emergency vehicles through breakaway barriers, and make no changes to 2nd Street.

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

The original motion as amended.

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

Public Hearing—Ordinance Amendment #2006-17: Driveway Width

Mayor Werner opened the public hearing at 7:50 p.m. Planning Director Hinzman stated that the changes proposed are:

- Limiting maximum driveway widths from 24 feet to 30 feet
- Prohibit driveway aprons from encroaching on neighboring properties;
- Require that a three-foot landscaped separation between driveways accessing a public road.

Hearing no further comments, Mayor Werner closed the public hearing at 7:52 p.m.

Second Reading/Adopt Ordinance—Ordinance Amendment #2006-17: Driveway Width

Moved by Councilmember Riveness, seconded by Councilmember Moratzka to approve the ordinance amendment as presented.

7 Ayes, Nays, none.

Copy of ordinance on file.

Resolution—Amend Site Plan Approval #2004-12: Schoolhouse Square Condo Building

Planning Director Hinzman stated that Schoolhouse Partners and Real Life Cooperative seek to amend the Special Use Permit and Site Plan #2004 to construct a

multiple family dwelling exceeding 40 feet in height, and site plan approval to construct a condominium building.

There was discussion about the proposed architectural changes as well as the proposed cooperative use of the building.

Dave Hanson of Real Life Cooperative explained the concept of the proposed housing structure and stated that the revised plan creates more green space on the site.

Councilmember Alongi stated that he did not support the revised architectural changes.

Pat Regan, the site's developer, stated that the proposed use is more financially viable and the architecture remains attractive.

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

6 Ayes, Nays, one. Councilmember Alongi voting against.

Copy of resolution on file.

First Reading/Order Public Hearing—Ordinance Amendment #2006-18: PI Sign Requirements

Moved by Councilmember Moratzka, seconded by Councilmember Hicks to approve the first reading and order the public hearing as requested.

7 Ayes; Nays, none.

Approve Skate Park Task Force Recommendations

Parks & Recreation Director Bernstein stated that the task force makes the following recommendations with regards to the skate park:

- For the 2006 season, remove and store the Tier II equipment and have the Tier I equipment available for use free of charge
- Continue to discuss the concept of relocation to the YMCA site

Moved by Councilmember Alongi, seconded by Councilmember to approve the recommendations as presented.

7 Ayes; Nays, none.

Authorization to Proceed with Levee Park Redevelopment Planning

Moved by Councilmember Hazlet, seconded by Councilmember Alongi to obtain detailed costs and specifications for the proposed redevelopment, with attention being given to retaining/reusing the "Hastings" letters and evaluating the bocce ball/passive use of the park.

7 Ayes; Nays, none.

Break: 8:48 – 8:55 p.m.

Resolution—Annexation

City Administrator Osberg stated that the Council is being asked to consider a resolution regarding annexation of certain property proposed by Pulte Homes/Conzemius Family Partnership. The four main points of the resolution include:

- I. Requires the legal description of the property in question, and places the burden on the applicant and/or property owner(s) to validate their ability to legally petition for annexation;
- II. The City would seek to negotiate with Nininger Township for an orderly annexation agreement for 100 acres with the understanding that the

additional 65 acres would be considered for annexation only if a trade of 65 acres is completed with land currently in the City's MUSA/Comprehensive Plan and located in Nininger Township or six years after the execution of an Orderly Annexation Agreement.

- III. Describes the time schedule for completion of General Sieben Drive.
- IV. No further annexation requests outside the current 2020 Comprehensive Plan/MUSA boundary would be considered by the City of Hastings until either the completion of the revised Comprehensive Plan or July 1, 2008.

Planning Director Hinzman provided a brief overview of the city's current land inventory for development.

Councilmember Moratzka stated that the Planning Committee of the Council has reviewed this concept and that there is still developable land available within the 2020 Comprehensive Plan. She also stated that the Comp. Plan must be redone by 2008, and that process was and will continue to be open to the public.

Councilmember Alongi stated that he felt the resolution supports too much growth too fast and that 100 acre development is sufficient.

Councilmember Schultz stated opposition to the resolution as presented, saying that development and redevelopment is needed on the south end of town.

Councilmember Hazlet stated support for the proposal, and stated support that General Sieben Drive will connect through to County Road 42 as part of this development.

Councilmember Hicks stated that the Comprehensive Plan is a working document which the City has stayed true to its intent. He stated disagreement that the City does not support south Hastings if this resolution is supported. He stated support for the resolution.

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

Mayor Werner stated that this is not the only development in the City where one developer will be used. He also stated that significant residential development has occurred in south Hastings since Wal-Mart closed and that the proposed resolution will not prevent the vacant Wal-Mart building from being occupied. He encouraged public involvement in the Comprehensive Plan revisions.

Tom Connell, TJC Builders, stated that the South Pines Development, which utilizes local builders, cannot proceed because it failed a traffic study. The annexation of the Conzemius/Finnegan property on the south end of town would allow for the extension of Tuttle Drive which could allow construction to continue.

Ed McMenemy, owner of property in South Pines and commercial property around the former Wal-Mart site, state that continued discussion over annexations, including in the south end of town, and increased communication among property owners and the City may be beneficial.

City Administrator Osberg stated that the City did receive an application for annexation from the owners of the Conzemius/Finnegan property.

Councilmember Moratzka stated that if Item IV of the resolution were removed, then the City could still actively consider annexation requests.

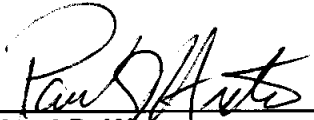
Moved by Councilmember Moratzka, seconded by Councilmember Schultz to amend the original motion to remove Item IV from the resolution.

5 Ayes; Nays, two. Councilmembers Alongi and Hicks voting against.

On the item of the original motion as amended, the following vote was taken:
6 Ayes; Nays, one. Councilmember Alongi voting against.

Adjournment

Moved by Councilmember Riveness, seconded by Councilmember Alongi to adjourn the meeting at 9:48 p.m.
7 Ayes, Nays, None.



Michael D. Werner
Mayor



Melanie Mesko Lee
City Clerk