

**ORDINANCE NO. 525, SECOND SERIES**

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING CHAPTER 10, SECTION 10.27; AND CHAPTER 11, SECTION 11.04 OF THE HASTINGS CITY CODE PERTAINING TO:**

**HOME OWNERS ASSOCIATION DOCUMENTS**

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

Chapter 10 of the Hastings City code is amended as follows:

**CHAPTER 10 – ZONING ORDINANCE**

**SECTION 10.27. SITE PLAN REVIEW PROCEDURE.**

Every person, before commencing construction or major alterations of a structure, except one and two family dwellings and buildings accessory thereto, shall submit to the Community Development Division the following:

**SUBD. 3.** A declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City to ensure maintenance of any common elements including open space, common drives, and common utilities. The declaration shall include, but is not limited to, the following:

A. A statement requiring the deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments be subject to the terms of the declaration.

B. A provision for the formation of a property owners association or corporation and that all owners must be members of said association or corporation

which may maintain all properties and common areas in good repair and which may assess individual property owners proportionate shares of joint or common costs. The association or corporation must remain in effect and may not be terminated or disbanded.

- C. Membership in the association shall be mandatory for each owner and any successive buyer.
- D. Any open space restrictions must be permanent and may not be changed or modified without city approval.
- E. The association is responsible for liability insurance, local taxes and the maintenance of the open space facilities deeded to it.
- F. Property owners are responsible for their pro-rata share of the cost of the association by means of an assessment to be levied by the association which meet the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
- G. The association may adjust the assessment to meet changing needs.

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

Chapter 11 of the Hastings City code is amended as follows:

**CHAPTER 11 – SUBDIVISION ORDINANCE**

**SEC. 11.04. PLAT PRESENTATION REQUIREMENTS.** Information required to be shown in the sketch plan, Preliminary and Final Plats shall be as follows:

**SUBD. 2. Required Preliminary Plat Submittal Data.**

C. Proposed Subdivision Design Features.

- 13. Draft of special covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.—A declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City to ensure maintenance of any common elements including open space, common drives, and common utilities. The declaration shall include, but is not limited to, the following:
  - a. A statement requiring the deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments be subject to the terms of the declaration.
  - b. A provision for the formation of a property owners association or corporation and that all owners must be members of said association or corporation which may maintain all properties and common areas in good repair and which may assess individual property owners proportionate

shares of joint or common costs. The association or corporation must remain in effect and may not be terminated or disbanded.

- c. Membership in the association shall be mandatory for each owner and any successive buyer.
- d. Any open space restrictions must be permanent and may not be changed or modified without city approval.
- e. The association is responsible for liability insurance, local taxes and the maintenance of the open space facilities deeded to it.
- f. Property owners are responsible for their pro-rata share of the cost of the association by means of an assessment to be levied by the association which meet the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
- g. The association may adjust the assessment to meet changing needs.

**ALL OTHER SECTIONS SHALL REMAIN UNCHANGED.**

ADOPTED by the Hastings City Council on this 3<sup>rd</sup> day of January 2005.

/s/ \_\_\_\_\_  
Michael D. Werner, Mayor

ATTEST:

/s/ \_\_\_\_\_  
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 3<sup>rd</sup> of January, 2005, as disclosed by the records of the City of Hastings on file and of record in the office.

/s/ \_\_\_\_\_  
Melanie Mesko Lee, City Clerk

(SEAL)

This instrument drafted by:

City of Hastings (JWH)  
101 East 4th St.  
Hastings, MN 55033

**Hastings, Minnesota  
City Council Minutes  
January 3, 2005**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, January 3, 2005 at 7:00 p.m., in the City Hall Council Chambers at Hastings City Hall, 101 East 4<sup>th</sup> Street, Hastings, Minnesota.

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

**Members Absent:** None

**Staff Members Present:** City Administrator Dave Osberg, Assistant City Administrator Melanie Mesko Lee, City Attorney Shawn Moynihan, Planning Director John Hinzman, and HRA Director John Grossman

**Administer Oath of Office for Ward Councilmembers**

Assistant City Administrator Mesko Lee administered the oath of office for recently elected ward Councilmembers Alongi, Hazlet, Riveness, and Schultz for the term of January 2005-December 2008.

**Approval of Minutes**

Mayor Werner asked if there were any corrections or additions to the minutes of the regular meeting of December 20, 2004. Hearing none, the minutes were approved as presented.

**Consent Agenda**

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

7 Ayes; Nays, None.

1. Pay Bills As Audited
2. Resolution—2005 Tree City USA
3. Approve Overtime Policy Change for Seasonal, Part-Time Employees
4. Approve 2005 Aquatic Center Fee Schedule
5. Appoint Planning Commissioner
6. 2005 Official Depositories and Investment Resolution
7. 2004 Capital Rollovers to 2005 Budget
8. Request for Final Payment-Fire Department Rescue Truck

**Public Hearing—City Code Amendment #2004-68: Multiple Family Moratorium Ordinance Changes (Chapter 10 & 11)**

Mayor Werner opened the public hearing at 7:02 p.m. Planning Director Hinzman provided a brief overview of the proposed changes. Hearing no further comment, Mayor Werner closed the public hearing at 7:04 p.m.

**Second Reading/Ordinance Amendment—City Code Amendment #2004-68:  
Multiple Family Moratorium Ordinance Changes (Chapter 10 & 11)**

There was discussion over whether to require identification of ownership status (owner vs. rental) at the time of site plan and preliminary plat approval. The Planning Commission did not recommend approval of this amendment, due the City's inability to enforce the provision and the potential for misrepresenting that ability to the neighboring property owners.

Moved by Councilmember Hazlet, seconded by Councilmember Moratzka to approve an ordinance amendment which would ensure long-term maintenance of common facilities and buildings, with a friendly amendment to require ownership status be provided on the application form and that information forwarded to the City Council.

7 Ayes; Nays, None.

**Modify Terms of Land Purchase—Westview Packaging: Hastings Industrial Park**

Moved by Councilmember Moratzka, seconded by Councilmember Alongi to accept a letter of credit from Westview Packaging.

7 Ayes, Nays, None.

**Revised Master Preliminary Agreement and Master Plan—Sherman Associates**

HRA Director Grossman stated that the Council is being asked to consider a revised master preliminary agreement, for a term of three years, which incorporates a refined redevelopment concept from the developer. Two site plans are included, one for Blocks 1 & 16 and one for Block 29, specifying the use, nature and size of the buildings, related public improvements, and the layout of streets, drives, and parking. Grossman noted that approval of the master plan does not preclude site plan approval; it gives the developer a conceptual approval of the plan that has been presented.

Councilmember Alongi requested the status of a restaurant as part of the redevelopment. Loren Bruggeman of Sherman Associates stated that they are planning on proceeding on that after City concept approval. Alongi questioned the City's ability to change the plan in the future and suggested a desire to table this item until January 18, 2005 for further discussion and more public improvement.

Councilmember Moratzka stated that she felt that the concept plan before the Council for approval has been made available to the public and the council for discussion for a long time.

Councilmember Riveness stated that the plans have changed significantly and that there is too much residential proposed. He also stated concern with adequate parking. He stated that he would rather see the sites sit empty than do the wrong thing.

Councilmember Alongi stated that he is unprepared to support the plan as presented.

Councilmember Schultz stated that the plans have changed, due to Council and public input. She stated a desire to move forward on the project.

Councilmember Hicks stated that many components of the Heart of Hastings Plan are included in this plan and that this redevelopment is one of the pieces that will help downtown.

Moved by Councilmember Moratzka, seconded by Councilmember Hicks to approve

Option C—the Master Preliminary Development Agreement that reflects the Council’s current understanding of the project.

5 Ayes, Nays, two. Councilmembers Alongi and Riveness voting against.

**2005 Committee Assignments**

City Administrator Osberg stated that no action is requested at this time; the Council will be requested to formally approve the Committee assignments at the January 18, 2005 meeting.

**Comments from Audience:**

Jackie Boler, 402 West 7<sup>th</sup> Street, stated that the City still needs a destination downtown.


Barb Hollenbeck, 212 East 2<sup>nd</sup> Street, thanked the Council for approving the master preliminary agreement and said that she is looking forward to new neighbors and new customers.

Ron Craft, 216 East 2<sup>nd</sup> Street, questioned whether TIF funds can be used to finance the esplanade. It was clarified that it can not be.

**Adjournment**

Moved by Councilmember Riveness; seconded by Councilmember Hazlet to adjourn the meeting at 7:47 p.m.

7 Ayes; Nays, None.

  
\_\_\_\_\_  
Mayor

ATTEST   
\_\_\_\_\_  
City Clerk