

**Hastings, Minnesota  
City Council Minutes  
May 21, 2012**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, May 21, 2012 at 7:00 PM in the Council Chambers at the Hastings City Hall, 101 East 4<sup>th</sup> Street, Hastings, Minnesota

**Members Present:** Mayor Hicks, Councilmembers Alongi, Hollenbeck, Nelson, Schultz, and Slavik.  
Councilmember Balsanek arrived at 7:25 p.m.

**Staff Present:** City Administrator Dave Osberg  
City Attorney Dan Fluegel  
Assistant City Administrator Melanie Mesko Lee  
Community Development Director John Hinzman  
Police Chief Paul Schnell  
Public Works Director Tom Montgomery  
Park and Recreation Director Barry Bernstein

**Approval of Minutes**

Mayor Hicks asked if there were any additions or corrections to the minutes of the regular City Council Meeting on May 7, 2012. Hearing none, the minutes were approved as presented.

**Presentation – Heritage Preservation Commission Awards**

Sara Wittgenstein of the HPC announced awards to the following:  
106 River Street – Charles Egebert and Joan Egebert-Cailler  
214 West 3<sup>rd</sup> Street – James and Margaret Hanson  
538 West 7<sup>th</sup> Street – Llewellyn Linde  
920 Vermillion Street – David Maynard and Kathy Porter-Maynard  
312 East 5<sup>th</sup> Street – Willard and Annella Whipple  
111 East 2<sup>nd</sup> Street – Rachel and Jake Marthaler

The Mayor and Council thanked the property owners for their investment in the community.

**Consent Agenda**

Moved by Councilmember Schultz, seconded by Councilmember Nelson to approve the Consent Agenda as amended.

6 Ayes; Nays, None.

1. Pay Bills as Audited
2. Resolution 05-11-12—Accept Donation of \$27.91 from Angela Lee & an Anonymous Donor to the City Parks & Recreation Department
3. Approve Park Variance for Jaycees Overnight Camping at Lake Rebecca On June 2, 2012
4. Authorize Signature—Dakota County Joint Powers Agreement: GIS Maintenance
5. Resolution 05-12-12—Accept Donation of \$100.00 from Intek Plastics to the Hastings Police Reserve Unit
6. Resolution 05-13-12—Approve Massage License for Shannon Marie Koch
7. Resolution 05-14-12—Approve Fireworks License for Cub Foods
8. Resolution 05-15-12—Approve SEAS Fall Festival 2-Day Temporary Liquor and Gambling Permits for September 15 and 16, 2012

9. First Reading/Order Public Hearing—Ordinance Amendment Relating to Chapter 110 Section 110.09; Billiards and Pool
10. First Reading/Order Public Hearing—Ordinance Amendment Relating to Fees: Civic Arena
11. Award Contract—2012 Cul-De-Sac Program
12. Award Contract—2012 Crack Seal Program

**Award Contract—Resolution 05-16-12 Vermillion Trail & Underpass Connection**

Montgomery introduced the item and recommended conditional award to Blackstone Contractors, LLC in the amount of \$489,205.15. The project will be \$23,000 over funding, including contingencies. Suggestion was given to not charging for City staff time estimated at \$24,000.00, which will result in revenue loss.

Moved by Councilmember Schultz, seconded by Councilmember Slavik to award contract as presented.

6 Ayes; Nays, None.

**Award Contract—Resolution 05-17-12 2012 Seal Coat Program**

Montgomery introduced the item and recommended award to Allied Blacktop Company in the amount of \$279,313.80.

Moved by Councilmember Hollenbeck, seconded by Councilmember Nelson to award contract as presented.

6 Ayes; Nays, None.

**Award Contract—2012 Trail Crack Sealing and Surface Treatment Program**

Bernstein introduced the item and recommended award to Minnesota Asphalt Maintenance in the amount of \$29,715.18.

Moved by Councilmember Nelson, seconded by Councilmember Alongi to award contract as presented.

6 Ayes; Nays, None.

Councilmember Balsanek arrived at 7:25 p.m.

**Resolution 05-18-12—Accept Easement and approve Agreement: County Road 46 Trail Over Bauer Property**

Montgomery introduced the item explaining the 11 acres abutting the Vermillion River are a donation by the Bauer and Sieben Families with the following conditions: 20 foot wide permanent easement; City needs to maintain wooded property including mowing one time per year and remove dead/diseased trees; the trail is to be closed in the winter from December 15 to March 15 and with one inch of snow; and reimbursement to property owners for related legal fees with a cap of \$25,000.00. Clearing cost is \$35,000.00 which is included in bid. If City doesn't full fill its' agreement, there is a take back provision after 20 years.

Moved by Councilmember Alongi, seconded by Councilmember Schultz to approve as presented.

7 Ayes; Nays, None.

**Resolution 05-19-12—Authorize Purchase of Schmitt Easement for County Road 46 Trail**

Montgomery introduced the item stating the City has negotiated with the Schmitt Family to purchase at assessor's value a 50 foot wide strip on the East side of County Road 47 to the Right of Way, North to the Bauer/Sieben Property along the Vermillion River.

Moved by Councilmember Schultz, seconded by Councilmember Slavik to approve as presented.

7 Ayes; Nays, None.

**Resolution 05-20-12—Deny Variance #2012-15: Sideyard Setback at 209 West 7<sup>th</sup> Street (McCoy)**

Hinzman introduced the item noting that the applicant has amended the request since last meeting. There was discussion about the revised plan, impact on the existing maple tree; and setback requirements. Staff created a plan with same size addition proposed by applicant, but reconfigured without needing a variance. Rita Dahl submitted a letter requesting that the variance denial be supported.

Andy McCoy stated that he has made some changes to the proposal; he does not feel that the revised plan proposed by staff is practical, due to utilities. .

Moved by Councilmember Alongi, seconded by Councilmember Balsanek to remove the item from the table.

7 Ayes; Nays, None.

There was discussion about impact of zoning ordinances, and HPC guidelines. There was additional discussion about definition of hardship.

Moved by Councilmember Hollenbeck, seconded by Mayor Hicks to deny the variance as recommended.

Roll Call vote was taken.

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

Variance denied.

**Hudson Manufacturing Demotion—1974 Addition**

Hinzman introduced the item and noted that demolition costs and much of the environmental analysis will be paid through grant funds. It is expected that the demolition will be completed by Fall 2012.

Moved by Councilmember Nelson, seconded by Councilmember Alongi supporting the action.

7 Ayes; Nays, None.

**Pawn Shop License—Overdue Transaction Fess and Possible Sanctions**

Mayor Hicks noted that the licensee had brought in a check for the delinquent fees prior to the start of the meeting. The licensee was not in attendance at the meeting.

Moved by Councilmember Schultz, seconded by Councilmember Alongi to accept the payment and note that any future delinquencies will be brought immediately before the Council for consideration of formal action.

7 Ayes; Nays, None.

**Reports from City Committees, Officers, Councilmembers:**

- Slavik recently attended a DCC meeting where the 2013 budget was approved.
- Monday May 28 City offices will be closed in observation of Memorial Day
- The public is invited to attend the Memorial Day celebration at Roadside Park at 10 a.m. on May 28
- Tuesday, May 29 at 7:30 a.m. in Volunteer Room—Joint Powers
- Tuesday May 29 at 7:00 p.m. in Council Chambers—Planning Commission
- Tuesday, May 29 at 7:30 a.m. in Volunteer Room—Joint Powers
- Monday, June 4 at 6:00 p.m. in Volunteer Room—Finance Committee
- Monday, June 4 at 7:00 p.m. in Council Chambers—City Council Meeting

**Adjournment:**

Moved by Councilmember Balsanek, seconded by Councilmember Nelson to adjourn meeting at 8:48 p.m.



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Paul J. Hicks, Mayor



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Melanie Mesko Lee, City Clerk