

**CITY OF HASTINGS
CITY COUNCIL AGENDA**

Tuesday, February 18, 2020

7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

Moment of silence for former Hastings Police Chief Daryl Plath

III. ROLL CALL

IV. DETERMINATION OF QUORUM

Mayor Fasbender, Councilmembers Balsanek, Braucks, Folch, Leifeld, Lund and Vaughan

Staff Present:

City Administrator Dan Wietecha

Administrative Services Director Julie Flaten

City Attorney Dan Fluegel

Police Chief Bryan Schafer

Community Development Director John Hinzman

Park & Recreation Director Chris Jenkins

Communications Coordinator Lee Stoffel

Presentation: Recognition of K-9 Ozzy

Schafer recognized Officer Schmitz and K9 Ozzy for their years of service to the community.

V. APPROVAL OF MINUTES

Approve Minutes of the Regular City Council meeting on February 3, 2020.

Minutes were approved as presented.

7-0

VI. COMMENTS FROM THE AUDIENCE

Comments from the audience may include remarks about items listed on the Consent Agenda.

VII. COUNCIL ITEMS TO BE CONSIDERED

VIII. CONSENT AGENDA

The items on the Consent Agenda are items of routine nature or no perceived controversy to be acted upon by the City Council in a single motion. There will be no discussion on these items unless a Councilmember so requests, in which event the items will be removed from the Consent Agenda to the appropriate Department for discussion.

Folch, Braucks to approve as presented.

7-0

1. Pay Bills as Audited
2. 2019 Budget Carryovers
3. Resolution **No. 02-06-20**: Acceptance and Appreciation of a Donation to the Parks & Recreation Department from the Loucks Family
4. Resolution **No. 02-07-20**: Acceptance and Appreciation of a Donation to the Parks & Recreation Department for Summer Programming from Dakota Electric

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5. Resolution **No 02-08-20**: Acceptance and Appreciation of a Donation to the Fire Department from Affinity Plus Federal Credit Union
6. Resolution **No. 02-09-20**: Approve Massage Therapy License – Sara Mike
7. Resolution **No. 02-10-20**: Approve Massage Therapy License – Gerald Johnson
8. Resolution **No 02-11-20**: Approve a Temporary One-Day Liquor License and a One-Day Gambling Permit for Hastings Family Service on March 30, 2020
9. Resolution: Retirement and Ownership Status of Hastings Police Service Dog (K-9) “Ozzy”
10. Resolution **No. 02-12-20**: Approve Dicks Sanitation 2020-2021 Commercial Waste Hauler Renewal
11. Accept SMEAD Manufacturing Sponsorship \$1,000.00 check for 2020 Rotary Pavilion Programming
12. Approve Joint Powers Agreement with Dakota County Drug Task Force for an Administrative Assistant
13. Authorize Signature: Memorandum of Agreement - EPA Brownfields Assessment Grant - Dakota County CDA

IX. AWARDING OF CONTRACTS AND PUBLIC HEARING

These are formal proceedings that give the public the opportunity to express their concern, ask questions, provide additional information, or support on a particular matter. Once the public hearing is closed, no further testimony is typically allowed and the Council will deliberate amongst itself and with staff and/or applicant on potential action by the Council.

1. Public Hearing: Ordinance for Annexation - TC Land LLC - Rosalia Bauer
Hinzman explained the request to consider the annexation of approximately 40 acres from Nininger Township to accommodate future plans for a residential subdivision consisting of single family and villa home sites.

Public hearing opened at: 7:12 p.m.

Mike Hamilton, lawyer for Nininger Township and John Bremer, Planning Commission Chair for Nininger Township spoke in opposition to the annexation and raised questions about the adjacent quarry.

Kristy Barse, President of the Chamber of Commerce, spoke in favor of the annexation and need for additional housing.

Lisa Hedin and Jeff Pesta, ISD 200, spoke in favor of the annexation.

A representative from Solberg Aggregate clarified that the quarry is active and mining operations will continue well into the future.

Rob Halberg, St. Paul Association of Realtors, spoke in favor of the annexation.

Public hearing closed at: 7:24 p.m.

Council discussion on City’s legal right to annex land, clarification that the City was approached by the property owner’s and asked to consider annexation, the City did not solicit, potential effects on homeowner’s from nearby quarry and City’s role in notification, overall needs of housing in City, lot sizes in concept plan, duty to disclose provision with regards to quarry, housing as City Council priority, need for senior housing options in City, long-term residency projections, and understanding of Nininger Township concerns.

2. Public Hearing: Establishment of TIF District No. 8 - Real Estate Equities - Schoolhouse Square Senior Housing
Hinzman Jessica Green, from Northland Securities who asked the council to consider the establishment of Tax Increment Financing District No. 8, adoption of Tax Increment Financing Plan, and modification of the Vermillion Street Redevelopment Area and adoption of modified Redevelopment Plan.

Council discussion of final duration of TIF District, City's ability to control building quality, what qualifies as a TIF area, different types of TIF districts, ability for a TIF district to be re-started or used elsewhere after de-certification, use of CDA low-income housing tax credits, history of TIF districts in City.

Representative from Real Estate Equities gave a presentation on the proposed development.

**Public hearing opened at: 8:10 p.m.
Hearing no comments
Public hearing closed at: 8:11 p.m.**

X. REPORTS FROM CITY STAFF

These items are intended primarily for Council discussion and action. It is up to the discretion of the Mayor as to what, if any, public comment will be heard on these agenda items.

A. Public Works

B. Community Development

1. 2nd Reading\Ordinance Adoption: Ordinance for Annexation - TC Land LLC - Rosalia Bauer
**Vaughan, Balsanek to approve as presented.
7-0**
2. Resolution **No. 02-13-20**: Approval to Establish TIF District No. 8- Real Estate Equities - Schoolhouse Square Senior Housing
**Lund, Braucks to approve as presented.
7-0**
3. Resolution **No. 02-14-20**: Preliminary and Final Plat - Schoolhouse Square 4th Addition - Real Estate Equities.
Hinzman explained the following three actions for the preliminary and final plat, special use permit, and site plan for a 90-unit independent living senior housing facility proposed by Real Estate Equities to be located northwest of 10th and Ramsey Street.

Council discussion on having electric car charging station infrastructure incorporated into parking areas, consideration of moving access into building to the North, townhome association ability to re-negotiate previous reciprocal agreement, wording changes to conditions of approval, future use of proposed green space, annual economic impact to the community, water run-off management plan, traffic control modifications, pedestrian movement, trail maintenance, sidewalk connections, ability to construct underground parking,

water/sewer/stormwater increased demand on system, City's ability to ensure property stays affordable housing after end of TIF district.

**Councilmember Folch made a motion to approve with provision that developer agrees that 3% of available parking spaces by made ready for electric vehicle charging stations and condition #6 wording be changed to read: Execution of an easement agreement to ensure ingress and egress between the proposed property, Ramsey Street, and 10th Street.
No second received.**

Motion made by Councilmember Vaughan, seconded by Councilmember Braucks to approve main motion as presented.

**Councilmember Folch made motion to amend motion to have condition #6 wording be changed to read: Execution of an easement agreement to ensure ingress and egress between the proposed property, Ramsey Street, and 10th Street.
Councilmember Lund seconded the motion.**

The President of the adjacent townhome homeowner's association spoke asking the City Council to table the item until they had an opportunity to obtain legal counsel and an agreement with the developer on maintenance of shared space could be worked out.

Representative from Real Estate Equities assured residents and City Council they would take over 100% of the maintenance responsibilities of the shared space.

Developer Pat Regan clarified grading, previous maintenance agreements still in place, and reasons for doors on buildings in Schoolhouse Square being locked after normal business hours.

Councilmembers Folch and Lund agree to remove amendment from motion.

Roll call vote on main motion as presented.

**Councilmembers Vaughan, Folch, Balsanek, Braucks, Lund, Leifeld, Mayor Fasbender voting yes.
7-0**

4. Resolution **No. 02-15-20**: Special Use Permit - Building Exceeding 40 Feet in Height - Real Estate Equities - Schoolhouse Square Senior Housing
**Folch, Braucks to approve as presented.
7-0**
5. Resolution **No. 02-16-20**: Site Plan - 90 Unit Senior Housing Building - Real Estate Equities - Schoolhouse Square Senior Housing
**Leifeld, Folch to approve as presented.
7-0**
6. Authorize Signature: Amendment to Schoolhouse Square Development Agreement

Hinzman explained the amendment to allow an increase in building height and density.

Vaughan, Braucks to approve as presented.

7-0

7. Resolution **No. 02-17-20**: Special Use Permit - Retail Service in a I-1 District - Smurawa Mini Storage - Lightbourn Court

Hinzman introduced the item which has the City of Hastings selling two lots in the Industrial Park and approving a Special Use Permit to allow for a mini-storage business to operate in the I-1 Industrial Park Zoning District.

Vaughan, Leifeld to approve as presented.

7-0

8. Resolution **No. 02-18-20**: Site Plan - Smurawa Mini Storage - Lightbourn Court

Lund, Braucks to approve as presented.

7-0

C. Parks

1. Rainbow Tree Care's review of 2019 Emerald Ash Borer treatment program

Jenkins introduced Jeff Hafner of Rainbow Tree Care who gave a recap of the 2019 Emerald Ash Borer treatment program in Hastings.

Council discussion on areas in town with treated trees, reminder provided to homeowners after initial treatment, creation of economic impact model of City owned trees including die off data, legislative priorities, credit to staff for work done, possible annual City tree sale, grant opportunities.

2. 2020 Emerald Ash Borer Preferred Vendor for EAB Treatment Program

Jenkins introduced the item asking Council to name Rainbow Tree Care and the City's 2020 Emerald Ash Borer Treatment Preferred vendor. Rainbow Tree Care has been the City's preferred vendor since 2017.

Vaughan, Leifeld to approve as presented.

7-0

3. Approval of Vermillion Falls Natural Resource Management Plan and 2020-2022 Work Plan

Jenkins introduced Karen Schik, of Friends of the Mississippi, who gave a presentation asking for support of the Natural Resource Management Plan developed for Vermillion Falls Park. Friends of the Mississippi developed the plan and plan to do ecological restoration projects from 2020-2022.

Council discussion on long term maintenance needs.

Folch, Braucks to approve as presented.

7-0

D. Administration

1. Arts Task Force Recommendation

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Stoffel introduced Jordan Shaffer from the City's Public Arts Task Force who explained the call for art and process used to select the winning artist. The winning artist will design a mural to be located on the rear-facing wall of the Hastings Family Service building.

Council discussion on life expectancy of mural, appreciation for Task Force and Stoffel work, if modifications to building are needed, and final design details.

**Leifeld, Braucks to approve as presented.
7-0**

2. **Liquor License Violation: Jake's Discount Liquor**
Fluegel introduced the item and alleged compliance check failure. Councilmember Vaughan made a motion, seconded by Councilmember Balsanek, to allow Fluegel to enter into a stipulation agreement with Jake's Discount Liquor which would provide for a \$500 fine, and a stayed 3-day license suspension if Jake's Discount Liquor enrolls in the City's Best Practices Program.

7-0

**Motion to approve the stipulation agreement.
Leifeld, Braucks
7-0**

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. REPORTS FROM CITY COMMITTEES, OFFICERS, COUNCILMEMBERS

- Planning Committee will meet on Monday, February 24th at 7:00 p.m.**
- Public Safety Committee of the Council will meet on Thursday, February 20th at 7:30 am.**
- Police Department staff will participate in the Polar Plunge on Saturday, February 22nd.**
- Councilmember Balsanek will meet with Jim Biermaier on Wednesday, February 19 to discuss WAC/SAC fees.**
- Councilmember Balsanek will attend the Dakota Communications Center Board of Directors meeting on Thursday, February 20th.**
- Councilmember Vaughan asked that staff consider utilizing the AdHoc – Transportation/Transit Committee of Council (*Vaughan, Balsanek, Leifeld) to meet to discuss transit and the loop bus.**
- THRIVE Thursdays will meet on Thursday, February 20th at 6:00 p.m. at the YMCA.**
- Hastings Reads will be at the YMCA on Thursday, February 28th beginning at 6:00 p.m.**
- Councilmember Leifeld was wished a Happy Birthday!**

XIV. ADJOURNMENT 10:35 p.m.

Next Regular City Council Meeting: Monday, March 2, 2020 7:00 p.m.

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