

**Hastings, Minnesota**  
**City Council Meeting Minutes**  
**May 16, 2022**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, May 16, 2022 at 7:00 p.m. in the Council Chambers at the Hastings City Hall, 101 East 4<sup>th</sup> Street, Hastings, Minnesota.

**Members Present:** Mayor Fasbender, Councilmembers Braucks, Folch, Fox, Leifeld, Lund, and Vaughan

**Members Absent:** None

**Staff Present:** City Administrator Dan Wietecha  
Assistant City Administrator Kelly Murtaugh  
City Attorney Korine Land  
Community Development Director John Hinzman  
Economic Development Coordinator Eric Maass

**Proclamation: May 29, 2022 as Bryan D. Schafer Day in the City of Hastings, MN**  
Mayor Fasbender and City Councilmembers thanked and recognized Chief Schafer and read the proclamation.

**Police Swearing-In**

Chief Dave Wilske  
Deputy Chief Bryan Schowalter  
Officer Georgeann Freeman Denn  
Officer Matthew Green  
Chief Schafer introduced Wilske, Schowalter, Freeman Denn, and Green. Chief Shafer administered the Oath.

**Awarding the Century Home Contest Winner–Presentation by the Hastings Heritage Preservation Commission, Cindy Toppin**

Fortney introduced Cindy Toppin to present the award of the Century Home Contest. The Century Home Contest Winner is Pam Pontzer and Mitchell Johnson, 600 block of 6th Street West.

**Approval of Minutes**

Mayor Fasbender asked if there were any additions or corrections to the minutes of the regular City Council meeting on May 2, 2022.

Minutes were approved as presented.

**Consent Agenda**

1. Pay Bills as Audited
2. Resolution No. 05-11-22: Accept Donation from the Ruth Gale and George W. Doffing Charitable Fund in Support of the Music in the Park Series for 2023
3. Resolution No. 05-12-22: Accept Donation from Ruth Gale & George W. Doffing Charitable Fund in Support of Public Art Project
4. Resolution No. 05-13-22: Accept Donation from American Center of Philanthropy on Behalf of Ruth Gale and George W. Doffing Charitable Fund in Support of Design Phase for Potential Business Incubator
5. Resolution No. 05-14-22: Approve In-Store Fireworks Sales License for Walmart Supercenter #1472 and Coborn's Grocery Store #2037
6. Resolution No. 05-15-22: Accept Donation from the Estate of Tecla Karpen to the Parks and

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Recreation Department

7. Declare Abandoned/Surplus Property and Authorize for Public Sale and Recycling
8. Resolution No. 05-16-22 Approve Entry into the 2023-2027 Master Partnership Contract Agreement with MnDOT
9. Resolution No. 05-17-22: Accept Donation from the Letendre Family and Friends to the Parks and Recreation Department
10. Resolution No. 05-18-22: Authorizing Individuals as Designee Signers for Banking Transactions
11. Resolution 05-19-22: Amendment to 2022 Budget for Public Works and Le Duc
12. Resolution No. 05-20-22: Authorize Submission of Ballot Drop Box Grant
13. Dakota Broadband Board (DBB) Informational Update
14. Resolution No. 05-21-22: Dakota Communications Center (DCC) Joint Powers Agreement
15. Disbursement from Doffing Trust for Dakota County Library Pride Celebration

Councilmember Fox motioned to approve as presented, seconded by Councilmember Lund.

7 Ayes, 0 Nays

**Public Hearing: Intek Plastics (1000 Spiral Blvd) – Support of MN DEED Minnesota Investment Fund Application**

Maass introduced the request to support an application to the State of Minnesota Department of Employment and Economic Development for funding through the Minnesota Investment Fund. Maass also introduced a request to support an application to the State of Minnesota Department of Employment and Economic Development for funding through the Minnesota Job Creation Fund, both applications are in support of an expansion at Intek Plastics located at 1000 Spiral Blvd.

Public Hearing opened at: 7:53 pm

Public Hearing closed at: 7:53 pm

No Council discussion.

Councilmember Folch motioned to approve the MN DEED Minnesota Investment Fund Application as presented, seconded by Councilmember Leifeld.

Ayes 7; Nays 0.

Councilmember Fox motioned to approve the MN DEED Job Creation Fund Application as presented, seconded by Councilmember Braucks.

Ayes 7; Nays 0.

**Appeal of Administrative Decision: Hudella (15213 Ravenna Tr.)**

Hinzman presented the request of Shane Hudella owner of 15213 Ravenna Trail to appeal the decision that a cable rail fence constructed around a swimming pool is in violation of Hastings City Code Section 155.05, Subd. F.4. Performance Pools and Spas (PPS) applied for a building permit to construct an in-ground pool at fence on behalf of Mr. Hudella on February 17, 2021. The permit identified the placement of the pool and fence, but did not indicate that the fence would be cable railed. The fence was inspected after construction and it determined it did not meet City Code because it was climbable.

Council discussion on the subjectivity of the ordinance and review of ordinances that may be similarly subjective. Councilmember Vaughan commented on the difficulty of receiving information on Thursday to them making this kind of determination on Monday. Folch asked how applications are reviewed and if a step was missed in this process. Hinzman responded that had there been more clarity to the review of the application and the specific construction of fencing, this may have been avoided. Folch asked if the specifics of the fence materials were submitted. Folch asked what kind of information is exchanged between Staff and the applicant upon submitting an application. Hinzman expanded on the process of accepting applications, next steps, and additional permits that may be needed. Councilmember Leifeld questioned how far the cables are in the current constructed fence and expressed concern about voting on this since they are not building experts. Councilmember Braucks explained the research she had done in surrounding cities and the similarities between the surrounding cities and the City of Hastings City Ordinance. City Attorney Land indicated that it may be appropriate to reach out to the Department of Labor and Industry for an interpretation if Council is uncomfortable voting on this matter. Braucks agreed with Land on reaching out for a better interpretation. Braucks expressed support for staff who are the experts in the field to make and appropriate recommendation. Fox commented on the unique position of Council in this situation. Fox echoed support for staff within their decisions. Vaughan commented on how to improve how our Ordinance is written to provide better clarity. Vaughan voiced his support in tabling this item. Lund indicated that we also need to take into consideration of our residents as well. Leifeld raised concern to interpretation of what is climbable versus not climbable and voiced support in reaching out for a better interpretation. Folch agreed with Councilmember Leifeld and expressed concern if something was missed in the process of the application and review and inconsistencies in the past. Mayor Fasbender commented on the missing pieces of the application and how more information was needed initially from the change in plans.

Mr. Hudella addressed Councilmembers with his change in plans and interactions with the Building Official about the fence. The fence passed daycare inspection and insurance inspection. Hudella asked that Council take a vote this evening so he can get the matter behind him. Wietecha posed questions about his interactions with the Building Official when the change in builder was made. Hudella responded with the conversations over email and stated that the fence cable is aluminum.

Councilmember Fox motioned to table the discussion, seconded by Councilmember Braucks.  
Ayes 7; Nays 0.

### **Announcements**

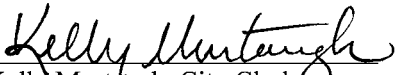
- This week is National EMS Week, National Police Week, and National Public Works Week. Please join us in a great and heartfelt thank you to our employees in these departments for their service to our community.
- Tomorrow, May 17, we have a Public Safety Night downtown in honor of our Police, EMS, and Fire teams. All are invited to this free event.
- The Minnesota Department of Transportation, in collaboration with the City, is beginning a study of Highway 61 to evaluate transportation improvements. An informational public meeting is on Wednesday, May 18 from 5 to 7 pm at City Hall. Presentations are at 5:15 and 6:15.
- City Offices will be closed Monday, May 30 in observance of Memorial Day.
- The Hastings Police Department (HPD) in collaboration with the Minnesota Commerce Fraud Bureau announces the launch of a catalytic converter marking program in the community. Marking kits are in partnership with local dealerships—Valley Chevrolet, Hastings Chrysler, and Valley Buick/GMC. Please see the City website for a list of eligible vehicle makes and models.
- On Tuesday, June 7, Join us for the Summer Kick-Off to our 2022 Levee Park Events—live music, Bollywood dance, inflatables, face painting, caricature artist, balloon artist, and more. All ages are welcome to this free event.

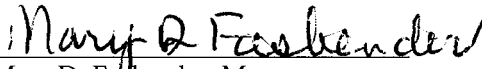
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**Meetings**

- Heritage Preservation Commission on Tuesday May 17, 2022 at 7:00 PM
- Planning Committee of City Council on Wednesday May 18, 2022 at 7:00 AM
- Public Safety Advisory Commission Meeting on Thursday May 19, 2022 at 6:30 PM
- Planning Commission Meeting on Monday May 23, 2022 at 7:00 PM
- Arts Task Force Meeting on Wednesday May 25, 2022 at 6:00 PM
- Candidate Information Session on Wednesday June 1, 2022 at 5:30 PM
- City Council Workshop on Monday June 6, 2022 at 5:30 PM
- City Council Regular Meeting on Monday June 6, 2022 at 7:00 PM

Councilmember Braucks motioned to adjourn the meeting at 8:41 PM, seconded by Councilmember Vaughan. Ayes 7; Nays 0.

  
Kelly Murtaugh, City Clerk

  
Mary D. Fasbender, Mayor