

**Hastings, Minnesota**  
**City Council Meeting Minutes**  
**April 3, 2023**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, April 3, 2023 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 Folch, Fox, Leifeld, Lund, and Pemble

**Members Absent:** Councilmember Haus

**Staff Present:** City Administrator Dan Wietecha  
Assistant City Administrator Kelly Murtaugh  
City Attorney Korine Land  
Public Works Director Ryan Stempski  
Police Chief David Wilske

**Proclamation:** Arbor Day 2023

**Approval of Minutes**

Mayor Fasbender asked if there were any additions or corrections to the minutes of the workshop and regular City Council meeting on March 20, 2023.

Minutes were approved as presented.

**Comments from the Audience**

Raymond Menard, 906 1<sup>st</sup> Street East, and Cynthia Carl, 102 Washington Street, presented concerns about the area between Franklin and Washington and 1<sup>st</sup> and 2<sup>nd</sup> Streets due to flooding. They had three requests of Council: confirm that the City is ready to pump water from the area in the event of flooding; identify actions to mitigate the current status; and dedicate the area as a ponding basin.

Bob Majeski, 1800 Brittany and Erica Majeski, 2925 4<sup>th</sup> Street East, described the difficulties for families and concerns about flooding on part of 4<sup>th</sup> Street.

Pete Likes, 3000 4<sup>th</sup> St East, provided some history on the flooding on the east side and requested a sign on 2<sup>nd</sup> street restricting traffic to residents only in the event of a flood this year.

John Conzemius, Denmark Township, urged Council to consider reserving flat land on the south end of the City for agriculture rather than development.

Diane Likes, 3000 4<sup>th</sup> St East, posed questions and concern about emergency vehicle and personnel access due to train traffic or flooding.

**Consent Agenda**

Councilmember Leifeld motioned to approve the Consent Agenda with removal of items 13, 17, 18 to be placed under X. Reports from City Staff: E. Administration, seconded by Councilmember Fox.  
6 Ayes, 0 Nays

1. Pay Bills as Audited
2. Resolution No. 04-01-23: Accept Donation from the Hastings Rivertown Lions Club to the Parks and Recreation Department
3. Authorize Signature: Use of Fire Safety House for Safety Camp on June 27, 2023
4. Authorize Signature: Use of Fire Safety House for Fire Department Open House on October 10, 2023
5. Resolution No. 04-02-23: Approve Transfer of Liquor License from Nirvana, LLC dba Ace Liquor to KTEK, LLC dba Ace Liquor Store, 1355 South Frontage Road, Suite 330
6. Resolution No. 04-03-23: Approve Transfer of Tobacco License from Nirvana, LLC dba Ace Liquor to KTEK, LLC dba Ace Liquor Store, 1355 South Frontage Road, Suite 330
7. Approve Special Event Designation – Downtown Business Association (DBA) –Historic Hastings Car Shows
8. Approve Business Service Agreement with Digitech Computer LLC for Ambulance & EMS Billing Services
9. Approve 2023 – 2027 Dakota County Drug Task Force (DCDTF) Joint Powers Agreement
10. Approve In-Store Fireworks Sales License for TNT Fireworks at Coborn’s #2037, 225 33<sup>rd</sup> Street West
11. Escrow Accounts and Fees for Development
  - a. 1<sup>st</sup> Reading and Order Public Hearing: City Code Amendment – Chapter 34.03: Escrows and Fees
  - b. 1<sup>st</sup> Reading and Order Public Hearing: City Code Amendment – Chapter 154: Escrows and Fees
  - c. 1<sup>st</sup> Reading: City Code Amendment – Chapter 155: Escrows and Fees
12. 1<sup>st</sup> Reading: City Code Amendment – Chapter 155: Solar Energy Systems
13. 2<sup>nd</sup> Reading: City Code Amendment – Chapter 34: Fee Schedule – Cannabis and Hemp Businesses
14. Resolution No. 04-04-23: Approve the Delegated Contracting Process Agreement with MnDOT
15. Approve WSB & Associates, Inc. Professional Services Agreement for a PFAS Water Treatment Feasibility Study
16. Resolution No. 04-05-23: Approve Installation of a Sign to Address Engine Braking on TH 316
17. Update on Flood Forecast & Response Planning Steps
18. No Wake Ordinance
19. 2022 Public Safety Advisory Commission Report

## **2023 Neighborhood Infrastructure Improvements**

- a. Conduct Public Hearing
- b. Resolution No. 04-06-23: Order the Improvements and Adopt Assessments

Stempski noted the project was not ordered at the March 6<sup>th</sup> meeting as the Council did not have the ability to provide a supermajority vote. Stempski provided an overview of the 2023 Neighborhood Infrastructure Improvements project. This project contains street and utility improvements to six City streets ranging in scope of work from reclamation of streets to full street and utility reconstruction. The full scope of the project was presented to Council on March 6, 2023. Stempski reviewed the assessment approach and payment options for this project. Council is asked to approve the resolution to order the project and adopt the proposed assessments for the project.

Mayor Fasbender opened the public hearing at: 8:04 p.m.

Mayor Fasbender closed the public hearing at: 8:05 p.m.

Council expressed appreciation to Stempski on helpful explanation of the assessment process and fee structure with a per lot approach. Council discussion on the assessment to St. Philip's Lutheran Church. Stempski indicated they have been working with St. Philip's to review the assessment process and provide a better understanding of the project. Council shared additional concerns St. Philip's had regarding timing of the project. Stempski assured Council that the City will continue to work with the church as the process moves forward.

Councilmember Leifeld motioned to approve as presented, seconded by Councilmember Fox.  
6 Ayes, 0 Nays.

## **2nd Reading: City Code Amendment – Chapter 34: Fee Schedule – Cannabis and Hemp Businesses**

Wietecha reviewed the fee ordinance to accompany the recently adopted license ordinance. Public Safety Advisory Commission and Public Safety Committee recommended a retail fee at \$10,000, which was reduced to \$8,000 during the 1<sup>st</sup> Reading at that last meeting.

Council discussion on the retail license fee, suggesting that it be more closely aligned with on-sale liquor licenses. Attorney Land remarked on the differences in compliance with regulated and unregulated products and the expenses to monitor compliance. Council discussion on the ability to revisit the conversation in the future. Council discussed the lack of clarity as to where the State legislative conversation lands at the end of session. Council discussion on potential difficulty for a business to open with high licensing fees. Council recognized the work the Public Safety Advisory Commission and the Public Safety Committee put into the recommendations provided.

Councilmember Fox motioned to approve, amending retail sales to \$6,000 annually, seconded by Councilmember Folch.  
3 Ayes, 3 Nays (Fasbender, Pemble, Lund)

Councilmember Lund motioned to approve as originally presented, seconded by Councilmember Pemble.  
5 Ayes, 1 Nay (Folch)

## **Update on Flood Forecast & Response Planning Steps**

Wietecha provided an overview of the flood projections and planning related to protecting City infrastructure in the event of a flood, as well as other preparations that are being made to address possible impacts of the flood.

Council discussion on clarification of the organization of sandbagging by the City. Council discussion on the access concerns raised by East side residents related to flooding. Stempski indicated the flood projections are at a moderate level at this time and provided explanation of the process of initial planning and coordination. Council suggested the Operations Committee review the concerns. Chief Wilske addressed the placement of the emergency vehicle near the railroad tracks and the responsibility of public safety.

Councilmember Folch motioned to accept report as presented, seconded by Councilmember Fox.  
6 Ayes, 0 Nays.

## **No Wake Ordinance**

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Wietecha reviewed recent history of discussion of No Wake at Public Safety Commission and determination that it is outside the City's jurisdiction. It is the jurisdiction of Dakota and Washington counties. Both counties have decided to not take any action at this time.

Council discussion on the marina's and residents' complaints about erosion, safety concerns, and tourism impacts due to the speed of boats going down the river. Dakota County indicated that there was a speed study, but the information has not yet been made available. Chief Wilske reviewed the process of how changes on waterways are made, and ultimately decided by the Department of Natural Resources.


### **Announcements**

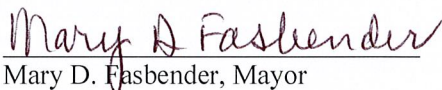
- Hastings Area Earth Day Birding Festival at Carpenter St. Croix Valley Nature Center on Saturday, April 22. Guided birding field trips, bird banding demonstrations, raptor presentation. Pre-registration preferred.
- Adult Softball and Sand Volleyball Leagues are forming now. Please go to the City website to register.
- Hastings residents can drop off yard waste at the Minnesota Coaches parking lot off Commerce Drive on Wednesdays 3-7 and Saturdays 8-2, weather permitting. Grass clipping and leaves should be in compostable paper bags or re-usable containers. Plastic bags and loose materials are not accepted. Brush should be cut to 4-foot lengths, no branches more than 3 inches diameter, and bundles not more than 40 pounds.

### **Meetings**

- Finance Committee Meeting on Wednesday, April 5, 2023 at 7:00 p.m.
- Administration Committee Meeting on Monday, April 10, 2023 at 7:00 p.m.
- Planning Commission Meeting on Monday, March 27, 2023 at 7:00 p.m. - Cancelled
- Arts & Culture Commission Meeting on Wednesday, April 12, 2023 at 7:00 p.m.
- HEDRA Meeting on Thursday, April 13, 2023 at 6:00 p.m.
- City Council Regular Meeting on Monday, April 17, 2023 at 7:00 p.m.

Councilmember Leifeld motioned to adjourn the meeting at 9:05 PM, seconded by Councilmember Pemble. Ayes 6; Nays 0.

  
Kelly Murtaugh, City Clerk

  
Mary D. Fasbender, Mayor