

Hastings, Minnesota
City Council Meeting Minutes
April 17, 2023

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Hastings City Hall, 101 East 4th Street, Hastings, Minnesota.

Members Present: Mayor Fasbender, Councilmembers Folch, Fox, Haus, Leifeld, Lund, and Pemble

Members Absent: None

Staff Present: City Administrator Dan Wietecha
Assistant City Administrator Kelly Murtaugh
City Attorney Korine Land
Community Development Director John Hinzman
Public Works Director Ryan Stempki
Police Chief David Wilske

Presentation, Dakota County Assessor's Office, Joel Miller

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 April 3, 2023.

Minutes were approved as presented.

Comments from the Audience

Pete Likes, 3000 4th St E, commented on the floodwater levels and the Governor's visit. Offered a question about jurisdiction to provide access to certain areas and whether emergency vehicles can access the homes via the alternate route during flooding.

Ray Kane, American Legion & Beyond the Yellow Ribbon, a non-profit organization serving Veterans, Service Members and their families with a goal to establish a community network of fundamental services to support and empower those individuals, presented on the proposed gambling ordinance amendments. Currently 36% of funds go to taxes for the State of MN. Concerns about the 10% Charitable Contribution and the 75% trade area requirement. The Legion makes sizable donations to the Hastings Veteran's Home via the Dept of Veteran's Affairs—so it may not look like it is given in Hastings. Donations to BYR goes to Cottage Grove/Mn Valley does not get credited because not in City. The increase in spending in the trade area would negatively impact overall giving beyond the trade area. Many Hastings residents access the Veteran's Hospital and local VA Home. Concern about the changes impacting the mutual helpfulness, which is one of their pillars.

Afton Benson, CEO of Climb Theatre, Inver Grove Heights, currently at Pub 55 and The Bar. Doing a pilot residency program at Hastings Middle School. A 75% trade area spending would be crippling. Have been doing gambling in town for over 10 years and contributed about \$30,000 last year through programming in the schools. Strongly urged Council to not change the current ordinance.

Consent Agenda

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Councilmember Pemble motioned to approve the Consent Agenda, pulling Item 6 and moving it to the Administration section, seconded by Councilmember Fox.

7 Ayes, 0 Nays

1. Pay Bills as Audited
2. Resolution No. 04-08-23: Accept Donation from SC Toys to the Parks and Recreation Department
3. Resolution No. 04-09-23: Accept Donation from Hastings Family Service to the Parks and Recreation Department
4. Resolution No. 04-10-23: Approve Outdoor Music – Tent Event with Liquor License Amendment for Las Margaritas
5. Special Event Designation: Animal Ark 3K with Temporary Liquor License
6. 1st Reading: City Code Amendments: Chapters 110.17 & 34.03, Lawful Gambling & Fees

Public Hearing: New Parklet Application – Quarry Taphouse

Hinzman provided an overview of the request. Sara Stenger of Quarry Restaurant LLC dba Quarry Taphouse, 106 2nd Street East submitted an application for a Parklet. City Departments reviewed the proposal and amended liquor license and recommends approval. Council is asked to hold a public hearing for the request. Property owners within 350 feet of the property were mailed notice of the request and scheduled public hearing.

Mayor Fasbender opened the public hearing at: 7:42 pm

Mayor Fasbender closed the public hearing at: 7:43 pm

No Council discussion.

Councilmember Folch motioned to approve as presented, seconded by Councilmember Haus.
7 Ayes, 0 Nays.

City Code Amendments – Escrows and Fees

- a. **Public Hearing\2nd Reading\Adoption: City Code Amendment – Chapter 34.03**
- b. **Public Hearing\2nd Reading\Adoption: City Code Amendment – Chapter 154**
- c. **2nd Reading\Adoption: City Code Amendment – Chapter 155**

Hinzman reviewed the proposed ordinance amendments to Chapters 34.03, 154, and 155 regarding Escrows and Fees. Council considered the first reading of the above actions at the April 3, 2023 meeting. Proposed amendments accomplish deleting duplicate information already provided in ordinance, establish more specific requirements for escrows including use and replenishment of funds, final payments and return of unused funds to the applicant, and establish a uniform escrow for annexation, environmental assessment, site plan, and preliminary plat actions. Council is asked to consider the second reading of these actions and adopt the amendments as written.

Mayor Fasbender opened the public hearing at: 7:47 p.m.

Mayor Fasbender closed the public hearing at: 7:47 p.m.

No Council discussion.

Councilmember Lund motioned to approve as presented, seconded by Councilmember Leifeld.
7 Ayes, 0 Nays.

**Resolution No. 04-11-23: Receiving Bids and Awarding Contract for Project 2023-1, 2023
Neighborhood Infrastructure Improvements**

Stempski reviewed the request to adopt the resolution to award a contract for the 2023 Neighborhood Infrastructure Improvements. The City received eight bids for this project on April 7. Stempski summarized the bids received, indicating the process of post-bid contractor qualification review. The qualification review for BCM Construction, Inc. determined their proposal score exceeded the minimum score necessary to be considered qualified to perform the project. Stempski noted that BCM Construction, Inc. completed a neighborhood project for the City of Hastings in the past (2018-1), which was completed on time, met quality requirements, and was on budget. Council is asked to move forward in adopting the resolution to award the contract to BCM Construction, Inc. in the total amount of \$3,368,721.25, which includes Bid Alternate No. 1.

Council discussion on bid alternates. Stempski reviewed Bid Alternate No. 1 which contains a bridge widening on Pleasant Drive indicating there may have been a misunderstanding from other bidders.

Councilmember Fox motioned to approve as presented, seconded by Councilmember Pemble.
7 Ayes, 0 Nays.

Resolution No. 04-12-23: Receiving Bids and Awarding Contract for the 2023 Mill & Overlay Program

Stempski reviewed the request to adopt the resolution to award a contract for the 2023 Mill & Overlay Program. The City received five bids for this project on March 23. Stempski summarized the bids received, indicating the State Aid street portion of the program is paid for by State Aid funding up to \$250,000, the local residential non-State Aid streets will be paid by Mill & Overlay up to \$450,000, and the ADA sidewalk improvements will be paid by Repair and Maintenance up to \$25,000. Council is asked to move forward in adopting the resolution to award the contract to Park Construction Company in the total amount of \$723,626.75, which includes Bid Alternate No. 1.

No Council discussion.

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

2nd Reading: City Code Amendment – Chapter 155 – Solar Energy Systems

Hinzman reviewed the City Code Amendment Chapter 155 – Solar Energy Systems. Hinzman indicated the amendment establishes rules for Solar Energy Systems. The City does not currently have any regulations pertaining to installation of solar energy systems. The creation of the ordinance may encourage further installation of systems which may be financially beneficial to homeowners and solar farm operators. Hinzman indicated the Planning Commission reviewed the amendment and voted to recommend approval with minor clarifications. City Council considered the first reading at the April 3, 2023, meeting and is requested to consider the 2nd reading and adoption of the ordinance amendment.

Council discussion on acreage requirement, Xcel Energy restrictions and consideration of solar systems for historic structures and historic preservation. Hinzman indicated the proposed acreage requirement

is similar to other cities and shared the process of items that go before the Historic Preservation Commission, indicating if an individual chose to appeal, then the items would go before City Council. Council discussed the importance of maintaining the historical district and discussed what limiting glare means. Hinzman indicated glare information would be required as part of the application and shared newer products seem to have less glare.

Councilmember Fox motioned to approve as originally presented, seconded by Councilmember Folch.

7 Ayes, 0 Nays.

Community Investment Fund

Wietecha reviewed the recommendations for Community Investment Funding. As part of the 2023 Budget, the City Council continued the Community Investment Fund and allocated \$100,000.00 in funding for 2023. The CIF is focused on partnerships and civic engagement with a goal of creating and supporting vibrant, community-supported, public projects and efforts. Wietecha indicated a review of applications was completed with the Finance Committee of Council. The Committee and staff unanimously recommend funding for 7 of the 8 applications received. Wietecha reviewed the projects that were recommended for funding. Wietecha further reviewed the financial impact and additional discussion regarding the applications.

Council discussion on the value of the matching component of the projects to demonstrate the commitment on the part of the organizations and continue to encourage the projects. Past projects were very positive additions to the community. Council discussion on the project that was not funded. The YMCA submitted a proposal to create athletic fields on Allina Clinic-owned property near the YMCA. This project did not meet the requirements that the project needed to be on public land. Council discussion on other partnership opportunities with the YMCA for recreational opportunities.

Councilmember Pemble motioned to accept report as presented, seconded by Councilmember Folch.
7 Ayes, 0 Nays.

1st Reading – City Code Amendments: Chapters 110.17 & 34.03, Lawful Gambling & Fees

Item pulled from the Consent Agenda.

Council discussion on public comments heard earlier in the meeting with questions regarding the reasons for change, comparison to other cities, and understanding the charitable contribution fund. Council questioned about whether the Veteran's home contributions by the American Legion could count towards the trade area spending. City Attorney Land indicated that if the organization can show good faith effort at spending in Hastings, it would qualify. Administrator Wietecha shared the reasons for the ordinance amendments, provided data from other cities, and explained what charitable contribution funds could be used towards. Clerk Murtaugh clarified that the ten percent (10%) for the charitable contribution fund would be considered part of the seventy-five percent (75%) spent within the City's trade area. Murtaugh further clarified that the remaining sixty-five percent (65%) would be required to be spent within the City's defined trade area.

Chris Anderson & Ray Kane, American Legion Post 47 asked for further clarification on the Charitable Contribution Fund. Mr. Kane expressed concern to how these changes may cause certain hardship. Council discussion on 15 years since the ordinance was last amended. The Administration Committee reviewed the proposed amendments and discussed options for the City provided by State Statute. Council

discussion on the importance of keeping funds in the community and that Council and organizations may need to better understand the 10% Charitable Contribution Fund. Discussion about the option to table. Council discussion on regulations from surrounding communities and clarification for next steps after the 1st reading.

Councilmember Lund motioned to table 1st Reading of the ordinances, seconded by Councilmember Pemble.
3 Ayes, 4 Nays (Fox, Folch, Haus, Leifeld) Motion failed.

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

Announcements

- Councilmember Folch provided No Wake follow-up and conversation with Deputy Sheriff Joe Leko. Dakota County is monitoring the access points with traffic information. Stakeholders meeting scheduled for April 26 at 6 pm. Because of flood conditions, the St Croix is at No Wake and there will be a 30-day temporary No Wake on the Mississippi River tomorrow.
- Councilmember Folch—Xcel looking at installation of EV charging stations through new program.
- 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.
- The 3rd Annual Sound the Siren Food for Kids food drive takes place April 17-28. The food drive is a friendly competition between the City of Hastings Police Department and the Dakota County Sheriff's Office. The community is encouraged to donate kid-friendly, single-serving, non-perishable food items. When the cars are filled, the sirens will sound!
- Volunteer with the Hastings Parks & Recreation Department and plant a tree in celebration of Arbor Day. Our City Forester will provide a demonstration prior to planting. Friday, April 28 at Greten Park, pre-registration appreciated.

Meetings

- Heritage Preservation Commission Meeting on Tuesday, April 18, 2023 at 7:00 p.m.
- Parks and Recreation Commission Meeting on Wednesday, April 19, 2023 at 6:00 p.m.
- Public Safety Committee Meeting on Monday, April 24, 2023 at 7:00 p.m.
- Planning Commission Meeting on Monday, April 24, 2023 at 7:00 p.m. - Cancelled
- City Council – Strategic Planning Retreat on Friday, April 28, 2023 at 8:00 a.m.
- City Council Regular Meeting on Monday, May 1, 2023 at 7:00 p.m.

Councilmember Leifeld motioned to adjourn the meeting at 9:05 PM, seconded by Councilmember Fox. Ayes 7; Nays 0.

Kelly Murtaugh, City Clerk

Mary D. Fasbender, Mayor

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