

Hastings, Minnesota
City Council Meeting Minutes
November 20, 2023

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, November 20, 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, and Pemble

Members Absent: Councilmember Lawrence

Staff Present: City Administrator Dan Wietecha
Assistant City Administrator Kelly Murtaugh
City Attorney Kori Land
Parks & Recreation Director Chris Jenkins

Approval of Minutes

Mayor Fasbender asked if there were any additions or corrections to the minutes of the City Council regular meeting on November 6, 2023.

Minutes were approved as presented.

Consent Agenda

Councilmember Leifeld motioned to approve the Consent Agenda as presented, seconded by Councilmember Pemble.

6 Ayes, 0 Nays.

1. Pay Bills as Audited
2. Resolution No. 11-14-23: Accept Donation from the Connelly Family to the Parks and Recreation Department
3. Resolution No. 11-15-23: Approve Comprehensive Plan Amendment – South Oaks of Hastings 4th Addition
4. Resolution No. 11-16-23: Terminate Former Development Agreement and Approve New Development Agreement - South Oaks of Hastings 4th Addition
5. Approve Pay Estimate No. 6 for the 2023 Neighborhood Infrastructure Improvements – BCM Construction, Inc. (\$433,016.22)
6. Approve 2023 3rd Quarter Report
7. Review Commercial Recycling Study
8. Approve Budget Amendment: Police Station Heating & Cooling Automation
9. Pre-Authorize Purchase of Bluebeam Plan Review Software
10. Certify Assessment of Delinquent Balances: Tree Removal/Treatment, Administrative Citations, and Abatements
11. Certify Assessment of Delinquent Utility Bills

Authorize Signature: Agreement Amendment No. 2 with Apex Facility Solutions, LLC

Jenkins provided an overview of the request to authorize signature on the 2nd amendment to the agreement with Apex Facility Solutions, LLC for the Refrigeration Plan Replacement, West Rink Roof Replacement, and Solar System Installation projects at the Hastings Civic Arena. Jenkins reviewed the

objectives of the 2nd amendment that captures the remaining aspects of the overall refrigeration and roofing projects at the Hastings Civic Arena. He indicated this includes the refrigeration system itself, electrical service, and solar array for the west rink roof. The total cost of the project is \$5,217,704.

Council discussion on the needs assessment with stakeholders and the correlation with the rehabilitation of the facility. Jenkins indicated that these projects would not be affected by any future improvements; the refrigeration unit and roof projects continue as planned. Council posed questions on the total cost of the project and what has gone into the increases. Jenkins indicated the increase is due to additional costs with the West Rink roof replacement because of leaks in addition to the change in costs over time. Council inquired about the East Rink roof and the budgeting for this project. Jenkins indicated the East Rink roof is not part of this project, but there is an effort to address ice and snow melt off the roof and its proximity to pedestrian walkways. Wietecha indicated the City is seeking approximately one-half of the funds through the State capital bonding process. Wietecha shared the Senate Capital Investment Committee will be visiting the site. If this is not supported at the State level, Wietecha indicated the City will seek bonds and seek additional funding through the agreement with the School District. Council asked for clarification on the funding and decision to proceed with the improvements. Wietecha indicated Council expressed support earlier this year to proceed with the project and not await action with State funding.

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

National Class Action Settlements - PFAS

Wietecha provided an overview of the request to opt out of the national class action settlements against 3M Company and EI DuPont de Nemours and Company. Participation in the class action settlement would preclude the City making additional claims against 3M and DuPont and yield the City approximately \$2.7M to \$4.6M from 3M and \$260K to \$440K from DuPont. He indicated that this is far short of the estimated costs of \$69M for construction plus operation and maintenance to treat for PFAS in the City's drinking water. The City is presently working with the Minnesota Pollution Control Agency "superfund" process for additional investigation to determine if there is a direct link from the 3M Cottage Grove disposal site and Hastings' drinking water supply. Wietecha indicated the opt out deadline for both DuPont and 3M indicating if the City does not affirmatively opt out, the City will automatically be included in the settlement. Opting out of the settlement will keep more options open to the City.

Council discussion on risk of opting out, the League of Minnesota Cities' (LMC) position, and potential future claims against 3M. Attorney indicated that LMC is not taking a position, but rather an informal role. Wietecha indicated that the vote to opt out of the settlement does not automatically assume a lawsuit, it keeps the options open for the City. Council discussion on the strategy for seeking other funds to pay for PFAS treatment.

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

Announcements

- Councilmember Folch inquired about next steps for the results of the Solid Waste Study. Wietecha indicated that nothing is presently planned, but there were some areas of note that are worthy of education outreach for commercial entities in the City.
- City Offices will be closed Thursday and Friday, November 23 and 24, in observance of Thanksgiving.

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<http://www.hastingsmn.gov/city-government/city-council/city-council-agendas-and-minutes>

- Gobble Gait is Thursday, November 23. You can register all the way up until race day. Proceeds benefits Hastings Family Service.
- Small Business Saturday and the Holiday Hoopla are Saturday, November 25, enjoy music, crafts, s'mores, horse & wagon rides, tree lighting, and retail and restaurant deals.
- Recycle your old lights with the Hastings Holiday Lights Drop Off Collection. Residents can drop-off their unwanted light strands at the Joint Maintenance Facility, 920 – 10th Street West, during the holiday season from November 13 to January 31.
- The Hastings Prescott Arts Council's annual gala and silent auction is Sunday, December 3, 2023. You can attend in-person or online.

Meetings

- Heritage Preservation Commission Meeting on Tuesday, November 21, 2023 at 7:00 p.m.
- Finance Committee Meeting on Monday, November 27, 2023 at 7:00 p.m.
- Planning Commission Meeting on Monday, November 27, 2023 at 7:00 p.m.
- City Council Regular Meeting on Monday, December 4, 2023 at 7:00 p.m.

Councilmember Pemble motioned to adjourn the meeting at 7:26 PM, seconded by Councilmember Leifeld. Ayes 6; Nays 0.

Kelly Murtaugh, City Clerk

Mary D. Fasbender, Mayor