

**Hastings, Minnesota**  
**City Council Meeting Minutes**  
**August 5, 2024**

The City Council of the City of Hastings, Minnesota met in a regular meeting on Monday, August 5, 2024 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 Fox, Haus, Lawrence, Leifeld, Pemble, and Vihrachoff

**Members Absent:** None

**Staff Present:** City Administrator Dan Wietecha  
Assistant City Administrator Kelly Murtaugh  
City Attorney Kori Land  
Attorney Matt Ziebarth

**Approval of Minutes**

Mayor Fasbender asked if there were any additions or corrections to the minutes of the City Council workshop and regular meeting on July 15, 2024.

Minutes were approved as presented.

**Consent Agenda**

Councilmember Leifeld motioned to approve the Consent Agenda, seconded by Councilmember Lawrence.  
7 Ayes, 0 Nays.

1. Pay Bills as Audited
2. 1<sup>st</sup> Reading: Ordinance Amendment: City Code Chapter 34.03 – Fee Schedule – Police Department
3. Resolution No. 08-01-24: Approve New Premises Permit Request for Climb Theatre at Cooper’s Pub 55, 880 Bahls Drive
4. Accept Community Safety Grant from CenterPoint Energy – Fire Department
5. Accept Proposal and Authorize Work – 2025 Neighborhood Infrastructure Improvements Special Benefit Analysis
6. 2<sup>nd</sup> Reading: Amend City Code Chapter 34.03 – Building Department Electrical Fees
7. Resolution No. 08-02-24: Authorize Final Plat Extension – Heritage Ridge 4<sup>th</sup> Addition

**Award Contract: Mississippi River Trail Erosion Repair**

Wietecha presented the request to consider awarding a contract for the Mississippi River Trail Erosion Repair. A section of the Mississippi River bank has been slowly eroding away and became a major safety issue in 2023. At the February 5, 2024 regular City Council meeting Council approved and authorized funding for the design and engineering of the repair project. Barr Engineering was hired to complete this process and have been working since that time to complete additional components of the project. Bids were received and opened, with Fitzgerald Excavating & Trucking, Inc. submitting a complete bid meeting all of the requirements and with the lowest cost at \$49,515.00. The project is anticipated to be completed mid-October 2024. Wietecha indicated Dakota County will be picking up 40% of the cost.

Council discussion on more protective fencing around the area until the work is completed. Council expressed appreciation for the work of staff with Dakota County. Wietecha indicated that we would look into potential fencing solutions. Council discussion on the proposal details, noting the proposal does not include the area near the American Legion building. Wietecha indicated other options are being reviewed to address the area and its needs.

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

### **Resolution No. 08-03-24: Mobile Food Unit License Application Hearing: Gregory Brannon (G's Sweet Truck)**

Attorney Ziebarth presented the request to hold a hearing on the license application for a Mobile Food Unit license for Gregory Brannon to operate G's Sweet Truck. Ziebarth highlighted the license process and non-compliance documentation related to the ordinance. Ziebarth concluded with a recommendation to deny the license based on a number of factors.

License applicant, Gregory Brannon, 1936 Eddy St, Unit C, indicated that the application did not ask for detail on felony but that he did write a letter as part of the application. He noted that he is in treatment and that his last offense in 2021. He indicated that he got his driver's license reinstated. He noted that he wants to comply with requirements, has updated insurance, and paid fees. He believes that the delays in getting the license are unfairly connected to his prior actions. He believes he was told that he did not need a license if invited to an event by an organizer. He said he is trying to comply with requirements and provide for his family and asked for consideration from Council to recognize the steps he has taken.

Council discussion on appreciation for Mr. Brannon's efforts at participating in the hearing and steps he is taking to improve his life. Questions about his lack of response to requirements and choices he made having continued to cause challenges. Council discussion on the need to complete an application and meet requirements to be able to sell in the City. Council discussion on why he continued to operate without a license. Brannon indicated the application process was a confusing process, specifically referencing insurance requirements and the process delayed repeatedly. Council discussion on the responsibility to the community and applicant's continual pattern of being non-compliant. Brannon indicated he has taken steps to reinstate his driver's license but has not been able to schedule the driver's test. Council discussion about peddler versus mobile food unit licenses and event invitations. Clerk Murtaugh provided clarification of the two licenses and indicated that licenses are required to operate within the City. Council reviewed the steps to be able to seek a license in the future. Attorney Ziebarth shared additional information on the State of Minnesota business entity registration of G's Sweet Truck LLC, indicating the registration had been terminated due to inactivity and not filing records. Ziebarth shared the Minnesota DVS did not indicate that Mr. Brannon's driver's license was reinstated.

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

### **PFAS Update**

As it is the first meeting of the month, Wietecha presented the PFAS Update.

Public Works is looking at several sites for water treatment plants 2 and 3 with a preference to stay out of residential areas. Most potential sites are on private property and staff are reaching out to property

owners for discussion. The Minnesota Veteran's Home is currently served by a private well, exceeding PFAS limits. Because there was no bonding bill to support, the City cannot simply include their connection as part of the City's project. The Vet's home is now doing its own feasibility study. If the Vet's home discovers that it is more feasible to connect to the City system, connect fees could be assessed to the Vet's Home over time

The City is looking at a substantial water rate increase, especially if there is no outside assistance. Council agreed to delay the start of the first water treatment plant bid process until early 2025 to allow time to communicate to residents and find out the results of the grant applications. The state's Co-Trustees have stated that a direct connection to at least one of the 4 disposal sites north of the river is required to access 3M Settlement funds. Evidence of a connection for Well #5 has since been determined. When meeting with the Co-Trustees and the Attorney General's Office in late July, they proposed to use the Superfund process to require 3M to cover the costs associated with Well #5. Wietecha indicated that the Superfund is often a long process. The City anticipates environmental investigations to continue as planned by the MPCA to determine connection and eligibility for the City's other wells.

### **Announcements**

- National Night Out is an annual community-building event. Please join us Tuesday, August 6, at Lions Park or in local neighborhood gatherings.
- Summer Rec Programs at Levee Park...
  - Thursday, Aug 8, Music in the Park with "Buffalo Alice – Classic." Supported by the Ruth and George Doffing Charitable Fund.
  - Friday, Aug 9, Movies in the Park with "Migration." Sponsored by Ardent Mills. Please bring a non-perishable food donation.
  - Thursday, Aug 15, Music in the Park with "Root River Jam – Rock, Blues, and Americana." Supported by the Ruth and George Doffing Charitable Fund.
- Coffee with a Cop is Thursday, Aug 8, at Starkson Funeral Home. Join the police to ask questions, voice concerns, and get to know one another.
- Makers Market will be in Levee Park on Thursday, August 8. Support area makers and artisans within our historic downtown and riverfront park by shopping at the markets.
- Concerts in the Orchard at the LeDuc Historic Estate will feature "New Pearl Buttons" on August 11 and "Darlene and the Boys" on August 18. Sponsored by Merchants Bank.
- Rec + Art + Police is Wednesday, Aug 14, at Lions Park with nature sun catchers and inflatable rock wall and giant slide. Recommended for elementary and middle schoolers. Supported by SC Toys, Country Financial, Hastings Lions Club, Hastings Family Service, Community Ed, and Hastings Prescott Arts Council.
- Cop on a Rooftop is Friday, Aug 16. Visit Dunkin Donuts to support the athletes of Special Olympics Minnesota. This event is part of the Special Olympics Minnesota Law Enforcement Torch Run for Special Olympics.

### **Meetings**

- HEDRA Meeting on Thursday, August 8, 2024 at 6:00 p.m.
- Administration Committee Meeting on Monday, August 12, 2024 at 7:00 p.m.
- Planning Commission Meeting on Thursday, August 12, 2024 at 7:00 p.m.
- Arts & Culture Commission Meeting on Wednesday, August 14, 2024 at 6:00 p.m.
- Finance Committee Meeting on Wednesday, August 14, 2024 at 6:00 p.m.
- Public Safety Advisory Commission Meeting on Thursday, August 15, 2024 at 6:30 p.m.

- City Council Regular Meeting on Monday, August 19, 2024 at 7:00 p.m.

Councilmember Haus motioned to adjourn the meeting at 8:18 PM, seconded by Councilmember Pemble. Ayes 7; Nays 0.

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Kelly Murtaugh, City Clerk

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Mary D. Fasbender, Mayor