

**CITY OF FARMINGTON  
CITY COUNCIL MINUTES  
REGULAR MEETING  
FEBRUARY 21, 2017**

**1. Call to Order**

Acting Mayor Bartholomay called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

Acting Mayor Bartholomay led those in attendance in the Pledge of Allegiance.

**3. Roll Call**

Present-Craig, Pitcher, Bartholomay and Donnelly

Absent-Larson

Staff Present-Administrator McKnight, Finance Director Hanson, Community Development Director Kienberger, Public Works Director Gehler, Human Resources Director Wendlandt, Natural Resource Specialist Dullum and Attorney Mongue.

**4. Agenda**

Motion by Donnelly, second by Pitcher, to approve the agenda as presented. APIF, motion carried.

**5. Announcements/Commendations**

- a) Introduction of Public Works Director/City Engineer Katy Gehler

Administrator McKnight introduced Public Works Director/City Engineer Katy Gehler. Gehler comes to Farmington from the City of Prior Lake where she served as the public works director. The city council welcomed Gehler to Farmington.

**6. Citizen Comments**

- a) Ellsworth Hoepfner, 27 Walnut Street, addressed the city council on the condition of the railroad crossings at Elm Street and Spruce Street. Mr. Hoepfner asked that the crossings be repaired.

**7. Consent Agenda**

Motion by Craig, second by Donnelly, to approve the consent agenda:

- a) Approve Minutes of the February 6, 2017 City Council Meeting-Administration
  - b) Approve Minutes of the February 6, 2017 City Council Work Session-Administration
  - c) Approve Minutes of the February 13, 2017 City Council Work Session-Administration
  - d) Approve Lease Agreement Between the City of Farmington and The Legacy of Farmington-Administration
  - e) Approve Appointments to the Parks and Recreation Advisory Commission-City Council
  - f) Approve Clean Water Minnesota-Metro Watershed Partners Membership-Engineering
  - g) Adopt Resolution R12-2017 Declaring Surplus Property-Fire
  - h) Approve Building Inspector Position Change from Part Time to Full Time-Human Resources
  - i) Appointment Recommendation Parks and Recreation-Human Resources
  - j) Approve Seasonal Hiring-Human Resources
  - k) Adopt Resolution R13-2017 Approving Gambling Event Permit Farmington Travel Baseball-Community Development
  - l) Approve Bills-Finance
- APIF, motion carried.

**8. Public Hearings**

None

**9. Award of Contract**

None

**10. Petitions, Requests and Communications**

**a) Seed/Genstar Final AUAR and Mitigation Plan Update**

Planning Manager Wippler shared that the City of Farmington and Stantec have recently completed the 2016 Seed/Genstar Final AUAR and Mitigation Plan Update and are requesting the city council review and approval of the documents.

An alternative areawide review (AUAR) is a planning tool that local governments can use to understand how different development scenarios will affect the environment of their community before the development occurs.

The original AUAR for the Seed/Genstar property was approved on January 20, 2004 with an update completed on August 21, 2006. A second update was approved by the city council on August 15, 2011. Section 4410.3610 of the EQB Rules state a review of the AUAR must be updated every five years until all development in the areas has been approved. Due to this requirement a third update of the original AUAR has been completed and is ready for review and approval by the city council.

A general synopsis of the major revisions included in the 2016 update includes:

- Sections were included in the 2016 Update to address the EQB's 2013 EAW guidelines that recommend analysis of additional topics that were not included in the previous updates. These topics include evaluating the proposed development scenario for consistency with nearby existing uses, nearby zoning and relevant land use plans.
- The Fish, Wildlife and Sensitive Resources section was updated to include information on known occurrences of rare species and natural communities within one mile of the study area and updated the mitigation plan in accordance.
- The Solid Wastes, Hazardous Waste, Storage Tanks section was updated to include current statistics for solid waste generation within the community. This section was also updated to include information on on-site or nearby potential sources of contamination or environmental hazards.
- Updates to the traffic section include analyzing traffic forecasts for the year 2036 and amending the text as appropriate.
- The Vehicle Related Air Emissions section was updated to reflect changes to the air quality analysis that have occurred since the 2011 update.
- The Nearby Resources section was updated to include language regarding the Dakota County Poor Farm, an archaeological site that was found along the ridge line towards the center of the property, Jim Bell Park and Preserve, and the North Creek Greenway Master Plan.

A draft of the AUAR was sent to review agencies, no objections were filed and all comments received were acknowledged and included in the document where appropriate.

Councilmember Donnelly stated this was a lot of work and thanked city staff members for their role in this project. Acting Mayor Bartholomay concurred.

Motion by Craig, second by Donnelly, to adopt resolution R14-2017 approving the 2016 Seed/Genstar Final AUAR and Mitigation Plan Update. APIF, motion carried.

**b) Application to Amend Comprehensive Plan from Low Density Residential to Commercial and Rezone Property from R-1 (Low Density Residential) to B-4 (Neighborhood Business)-Mr. Craig Bongard-20522 Akin Road**

Planning Manager Wippler reviewed an application to amend the city's 2020 Comprehensive Plan from Low Density Residential to Commercial and rezone property from R-1 (Low Density Residential) to B-4 (Neighborhood Business). The subject property is located at 20522 Akin Road.

On August 10, 1976 the city's planning commission granted a special exception permit for the property located at 20522 Akin Road to allow equipment maintenance and storage, non-commercial on this site. A special exception permit is similar to what a conditional use permit is in today's zoning code and allows for certain uses of property after review and approval by the planning commission. Special exception permits run with the land and no longer exist in the city's zoning ordinance as uses and therefore cannot be amended.

Mr. Bongard has requested the comprehensive plan and zoning change because he believes a B-4 zoning would afford him the opportunity to sell the property as many of the inquiries for the property are for uses that can be found in the B-4 zoning classification.

Mr. Bongard applied for a comprehensive plan amendment and rezoning for this property in 2016 to a commercial designation and B-3 zoning. These applications were denied by the city council in large part because the request did not fit into the character of the surrounding neighborhood. The B-3 zone is a high intensity commercial zoning district and the uses within the district generally are incompatible with other commercial zones such as the B-4.

The planning commission held a public hearing regarding these applications and after taking public comment voted 4-0 to recommend approval of the comprehensive plan amendment and rezoning to the city council.

Acting Mayor Bartholomay confirmed with city staff that a super majority is required for the approval on this issue, meaning that four votes are needed for approval.

Dawn Baldwin, 20449 Akin Circle, shared that she chose her lot as a residential area, not business, and that she had concerns about the amount of traffic this change could create on Akin Road.

Matt Sojek, 20497 Akin Circle, shared that they purchased their lot based on it being a quiet area, had questions about allowed uses and stated the property owner made a bad investment.

Councilmember Donnelly stated that the city council has talked about this lot before and understands both sides of the issue.

Councilmember Craig thanked those who spoke for their comments. She has concerns about changing the zoning as Akin Road is primarily residential. She also has concerns that the permitted or conditional uses in the B4 zoning could impact the value of homes.

Craig wanted to look at a comprehensive approach to laying out Farmington, the community is changing from an agriculture to a bedroom community. She did not want to hodgepodge lots; it is not fair to the residents. The wishes of one do not outweigh those of all.

Craig thought the highest and best use for most people is what is important and thought the lot should continue to be residential. Craig asked why the property cannot sell as residential. Wippler stated that there are utility issues and there is no sewer available on the property. A grinder pump would be needed.

Councilmember Pitcher asked if B4 requires sewer. Wippler responded that it depends on the usage. Wippler also clarified the conditional use list for B4 properties.

Acting Mayor Bartholomay asked if a grinder lift is a lift station. Wippler responded yes.

Bartholomay asked if the super majority requirement required all five city councilmember to be in attendance. Wippler responded that it is the discretion of the city council. The 60 day review period ends on March 13, 2017. Craig asked if we can add 60 days. Wippler responded that the applicant can request a 60 day extension.

Donnelly preferred to wait until the full city council was in attendance. He also inquired that if this is defeated is there a process that it comes back to the city council. City Attorney Mongue stated that the process would need to start over.

Motion by Donnelly, second by Pitcher, to table this item until the March 6, 2017 city council meeting. APIF, motion carried.

## **11. Unfinished Business**

### a) Wetland Health Evaluation Program Joint Powers Agreement

Natural Resource Specialist Dullum reviewed the proposed joint powers agreement for the Wetland Health Evaluation Program. This group is a partnership between participating cities, Dakota County, the Minnesota Pollution Control Agency and a consultant.

This program utilizes volunteers to evaluate wetlands for macroinvertebrates and plants. Farmington has participated in this program for a number of years. The estimated cost of the program is \$3,000 per year and is paid out of the storm water utility fund.

Motion by Craig, second by Bartholomay, to adopt resolution R15-2017 approving a joint powers agreement between Dakota County and the City of Farmington for the wetland health evaluation program. APIF, motion carried.

## **12. New Business**

None

## **13. City Council Roundtable**

Donnelly-Congratulated the girl's hockey team on making the state tournament.

Pitcher- Congratulated the girl's hockey team on making the state tournament. Welcome Katy Gehler to Farmington.

Craig-Welcomed Katy Gehler to Farmington and encouraged residents to shop local.

Hanson-Congratulated the members of the girl's gymnastics team who qualified for the state tournament.

Bartholomay-Welcomed Katy Gehler to Farmington, wished the state participants good luck and encouraged residents to shop local.

### **Adjourn**

Motion by Donnelly, second by Pitcher, to adjourn the meeting at 7:47 p.m. APIF, motion carried.

Respectfully Submitted

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David McKnight, City Administrator