

**COUNCIL MINUTES**  
**REGULAR**  
**August 15, 2011**

**1. *CALL TO ORDER***

The meeting was called to order by Mayor Larson at 7:00 p.m.

**2. *PLEDGE OF ALLEGIANCE***

Mayor Larson led the audience and Council in the Pledge of Allegiance.

**3. *ROLL CALL***

Members Present: Larson, Bartholomay, Donnelly, Fogarty, May

Members Absent: None

Also Present: Joel Jamnik, City Attorney; Kevin Schorzman, Interim City Administrator; Teresa Walters, Finance Director; Cynthia Muller, Executive Assistant

Audience: Beve Preece, Mary Scheide

**4. *APPROVE AGENDA***

Councilmember Bartholomay pulled item 7k) Bills for discussion. Councilmember May pulled item 7h) Approving Cooperative Purchase of Election Equipment for discussion. **MOTION** by Fogarty, second by Bartholomay to approve the Agenda. **APIF, MOTION CARRIED.**

**5. *ANNOUNCEMENTS***

**a) *Library Activities Update – Mary Scheide***

Ms. Mary Scheide, Dakota County Library, gave an update on upcoming activities at the Library. On August 29, a Back to School Open House will be held for students and families. The Fall Minnesota Mosaic Series will begin on September 21. That week there will also be a Civil War traveling exhibit at the Library. A second Mosaic program will be held on November 8. The Fall schedule includes six free computer classes. One is on family history to coincide with a genealogy group that meets at the Senior Center. This will be held in mid-October. There is also a full schedule of children and teen programs. The Library does have a Teen Advisory Group which is gaining momentum. They meet once a month at the Library. Residents can choose a new library card from six designs.

**b) *Minnesota Green Step Award - Planning***

The City recently received a Green Step Award from the Minnesota Cities Green Step Program in association with the League of Minnesota Cities and the Minnesota Pollution Control Agency. The City approved a resolution for the program on May 2, 2011. The City received the award at the LMC June Conference. The award recognizes how growth and development occurs in Farmington through sustainable practices. The benefits of the program also help with cleaner air and water, provides sustainable practices for buildings, and

provides walkable communities. The methods used in the construction of City Hall were part of the Green Step program including the downtown to allow people to walk throughout the City, the completion of the natural resource inventory, and the approval of a woodland management ordinance, the efficiency of the City fleet through maintenance schedules, involvement as a Tree City USA member for the past 21 years, and the successful Farmers' Market. This award is for the first step and the City is up to step three. City Planner Smick presented the award to the City Council.

**6. CITIZEN COMMENTS**

Ms. Ruthe Batulis, Dakota County Regional Chamber, stated they are partnering on an expo aimed at companies who are hiring veterans. The Business Excellence Awards this year will be September 22. The theme is "Job Creators – Today's Heroes." They will be honoring a job creator from Farmington.

Mr. Brian Treakle, Farmington School Board, spoke about the Patriot Day on November 3. This is a community event hosted at the high school. There will be a free dinner followed by a presentation. This year they will be honoring WWII veterans. He invited the City Council to participate in the event and they could use volunteers. Dinner is free for the first 1,000 people. Mayor Larson noted this is a great event and shows what community is all about. Mr. Treakle stated they are working on a breakdown of the Pledge of Allegiance and may contact Council to be a part of that.

Mr. Dick Orndorf, 617 Spruce Street, stated Inver Grove Heights looked at an ordinance regarding completing construction work on a building within one year with siding and exterior work completed and the lawn done. There is a house down the street, that has been unfinished for years. There is scaffolding, ladders, roof unfinished next door to him for 10 - 15 years. Mr. Orndorf stated the building department says there is nothing they can do and continue to renew the permit. Mr. Orndorf felt there has to be something the City can do. He noted in the newsletter, there was an article regarding keeping weeds down. He suggested looking at the thistles and weeds at the Maintenance Facility. That should work both ways. He stated Farmington is looking for photos of Farmington for the City calendar. Council should look at the alleys and front yards and see if that is the kind of pictures you want to see. Mr. Orndorf asked who enforces dog license policies. He was told nothing is done unless there is a complaint. There are more and more people with dogs and cats. He doesn't mind dogs if people are given a permit and some guidelines to control the dogs. He asked if anyone looks after the dog licenses. Someone watches watering of lawns and gives tickets; what about dog licenses? He asked if the City takes it for granted that someone with a dog will come in to get a license. He wants to know if a dog has had its shots, is it licensed, etc. Councilmember Fogarty stated we do not have a Code Enforcement Officer so there are many ordinances only followed up on based on complaints. A Code Officer would be one more employee, and we do not have the funding for it. Mr. Orndorf stated if you call a person at the City and leave a message, are they supposed to call you back? He knows of areas where trees were removed, the sidewalk is broken, and ruts in driveway approaches and that is City property. There are cars parked on the right-of-way for months and years. All of this is

close to City Hall. Councilmember Bartholomay felt some of that could be followed up on by our Police Department. It should be proactive policing if they see it.

**7. CONSENT AGENDA**

**MOTION** by Fogarty, second by Bartholomay to approve the Consent Agenda as follows:

- a) Approved Council Minutes (8/1/11 Regular)(7/27/11 Workshop)
- b) Adopted **RESOLUTION R38-11** Approving Joint Powers Agreement with MN BCA, City of Farmington and Prosecuting Attorney – Police Department
- c) Adopted **RESOLUTION R39-11** Approving Gambling Premise Permit MN/USA Wrestling, Inc. - Engineering
- d) Adopted **RESOLUTION R40-11** Approving Gambling Premise Permit Metro Baseball League - Engineering
- e) Approved School and Conference - Planning
- f) Approved School and Conference – Parks and Recreation
- g) Approved School and Conference - Finance
- i) Approved Long-Term Disability Insurance Proposal – Human Resources
- j) Approved Temporary On-Sale Liquor License VFW - Engineering

**APIF, MOTION CARRIED.**

**h) Adopt Resolution – Approving Cooperative Purchase of Election Equipment - Administration**

Councilmember May noted we are going through a joint powers agreement to purchase new election equipment and staff is recommending two backup machines. She asked why we need two as this is new equipment, and if we can share backup equipment with other cities. The cost for two backup machines is \$8,000. Executive Assistant Muller explained equipment has gone down in the past and backup machines are needed immediately to keep the voting process going. Interim City Administrator Schorzman explained this is computerized equipment. Mayor Larson noted election night is very sensitive so if something is not right there could be a complaint. Staff agreed there could be complaints and it is time sensitive as results need to be sent in as soon as the polls close. As far as sharing with other cities, machines are programmed differently for each City according to your ballot. Councilmember May felt one backup machine would be enough. Mayor Larson asked about the life span of the machines. Staff stated the current machines have been used for 13 years. Councilmember Fogarty noted we have to replace these machines; we do not have a choice. Mayor Larson was not aware of problems that could occur on election day and left it up to staff.

Executive Assistant Muller felt it is worth it to have two backup machines. These will replace the current AccuVotes that count the ballots. A portion of the HAVA funding will go towards the backup machines. There will not be a 50-50 split with the County for backup machines. The County is picking up 50% of the cost for the machines for the six precincts. Councilmember May felt one backup machine is enough. Councilmember Donnelly noted we are not adding more machines, we are replacing what we already have. Councilmembers Donnelly and Fogarty realized people are sensitive on election day. **MOTION** by Fogarty,

second by Bartholomay to adopt **RESOLUTION R41-11** approving the cooperative purchase of election equipment including two backup machines. Voting for: Larson, Bartholomay, Donnelly, Fogarty. Voting against: May. **MOTION CARRIED.**

**k) Approve Bills**

Councilmember Bartholomay asked if Council could receive a spreadsheet showing offsetting revenues for program expenses. Finance Director Walters stated the Parks and Recreation Director has information on how the programs are doing. He will have to compile some information for Council. Councilmember May asked who else has access to that information. Staff was not sure. Councilmember Fogarty requested Parks and Recreation Director Distad give a summary of the first and second quarter at the next Council meeting as he would have it program by program. Councilmember May was concerned that the Finance Director has not seen the information and felt she should see all detail or have access to it.

Councilmember Bartholomay asked about mileage reimbursement and that is more expensive than using City vehicles. We do have several City vehicles and those should be used rather than personal vehicles. Councilmember Fogarty knew staff does use City vehicles whenever possible, but summer can be a busy time.

Councilmember Bartholomay asked if Council could receive the Police Department's policy on uniform replacement. Mayor Larson noted it is in their contract. If they rip clothing within the line of duty, the department replaces it. It does not come out of the uniform allowance. Councilmember Bartholomay would like to see the policy if there is one.

Councilmember Bartholomay noted the American Red Cross certification seems high for one person. Interim City Administrator Schorzman explained staff paid for all lifeguard training with a personal credit card, and he is being reimbursed for that.

Councilmember Bartholomay noted there is a bill for replacement of a sign at the Rambling River Center and asked if the City will be repaid for that. Finance Director Walters stated this was for ordering letters for the sign and installation. Councilmember Bartholomay would like to see some offsetting revenue. They need to be self-sustaining. Councilmember Fogarty suggested a spreadsheet showing senior center programs also be provided to Council.

**MOTION** by Fogarty, second by Donnelly to approve the bills. **APIF, MOTION CARRIED.**

**8. PUBLIC HEARINGS**

**9. AWARD OF CONTRACT**

**10. PETITIONS, REQUESTS AND COMMUNICATIONS**

**a) Approve Business Reinvestment Grant Program – Economic Development**

Economic Development Specialist Hansmeier explained the City applies for funding from the Dakota County Community Development Agency in the form of Community Development Block Grant funds on an annual basis. Portions of the funds have supported the City's Business Reinvestment Grant program. This aids local businesses with financing for projects that upgrade existing commercial buildings. The current program states that predominantly retail businesses are ineligible for grant funding. In an effort to make this funding available to retail, staff recommended deleting that provision.

Mayor Larson asked if there have been any requests from retail businesses for this funding. Staff felt it would be good for the community and there have been requests in the past. Councilmember May wanted to table this item for more research on the history of the program. She liked it that the program had a more narrow focus. Unused funds can be carried over and maybe it is a matter of doing more marketing for the program. She felt she did not have enough information on whether we want to keep this particular program as there are other programs available. Councilmember Bartholomay agreed and suggested discussing this at a workshop next month. Councilmember Fogarty clarified they want to understand the CDBG program better. Councilmember May felt there was a reason why it was focused on commercial/industrial to begin with. She asked if other communities are doing this. Staff clarified the program was originally created without this provision and it was added later at the request of the County. This program is specific to improving commercial buildings, upgrade ADA compliance, code issues, assist property owners with installing fire suppression systems, etc. Properties in the B-1, B-2, B-3, B-4, Spruce Street Commercial, Business Commercial Flex, mixed-use and RT districts are the eligible properties to receive funding. Initially the program was set up not to be specific to commercial/industrial buildings. It was to encompass all commercial property including retail. Mayor Larson felt the funds would be used on an older retail business. Councilmember Fogarty felt it was not a bad idea to educate Council on community development block grants. These are federal funds that are funneled through the County, they have a lot of strings attached, so anytime we can lighten the load, she is for it. They make it very difficult to use the funds within the community with requiring a one-to-one match, competitive bidding, and prevailing wages. She was in favor of the program, but agreed with tabling it to learn more about it. Councilmember Donnelly asked if anyone was waiting for this change. Staff stated there is some interest. The maximum amount of funding is \$15,000/business. The City has \$60,000 in the fund from 2004 and 2008 allocations. Each year in November the EDA allocates funding towards the program. The amount allocated each year varies. Councilmember Bartholomay was in favor of the program, but felt the marketing of it needs to be discussed to get more people involved. **MOTION** by Fogarty, second by May to table this until the October 3, 2011, Council meeting. **APIF, MOTION CARRIED.**

- b) **Seed/Genstar Final AUAR Update – Fairhill - Planning**  
City Planner Smick stated comments have been received from three agencies; Dakota County, Metropolitan Council, and MPCA. The agencies had no objections to the AUAR. **MOTION** by Fogarty, second by Bartholomay to adopt **RESOLUTION R42-11** approving the Seed/Genstar Final AUAR and Mitigation Plan Update. **APIF, MOTION CARRIED.**
- c) **July 2011 Financial Report - Finance**  
We are currently at 58% of the year. The general fund revenues are slightly over 47% and we have received the first half taxes. All permits are in line with projections. A lot of revenue is not received until fall. Interest revenue still remains low. The federal reserve will keep the rates low until 2013. Expenditures are at 55% of the budget. All special revenue funds still have deficit balances, but revenues are exceeding expenditures with the exception of the ice arena which is currently closed. The liquor store did great this month with revenues exceeding expenditures by \$82,000.

Mayor Larson asked about the status of the street light utility fee. Finance Director Walters explained electric charges have been higher this year. Because of that the utility fee increase has not made as big an impact as expected. Staff does have a plan and feels we will not need to raise the fee again. Finance Director Walters will work on the enterprise funds once the general fund budget is completed. Mayor Larson noted the sewer fund has \$1.6 million and the water fund has \$5 million. He asked about the difference between the two. City Engineer Schorzman stated there are plans for all of it. One is a function of expenditures up to this point versus revenues. The water fund also includes development fees received for the Water Treatment Plant.

Councilmember Fogarty recalled we have not changed the interest revenue number for 2012. If we know they will keep the rates low, she felt we need to make that adjustment. She recalled we are \$100,000 off. Staff will make this adjustment for the preliminary budget.

Councilmember May noted the preliminary budget will be presented at the next meeting. There will be certain expenditures we need to look at. Seeing this financial report, she is concerned with the black holes of the pool, ice arena, and what has her attention is the senior center. She had voted to renovate that building, but we have to take a serious look at how we are running these enterprises that are in a losing situation. Do we want to keep digging the hole deeper, or look at how we are running all of these? We are not in a position to make the funds whole, but when looking at the needs for the future and seeing these numbers every month, it is becoming concerning. In particular, with the senior center can we look at the building becoming a community center, and does it take on a bigger role. She urged residents to share their thoughts with Councilmembers. We want these amenities in the community, but they do not

carry themselves. The liquor store was very good news and those funds help these enterprises, but it does not take long for that money to be used in these funds. She agreed with adjusting the investment income and we need to have a real number in the budget for next year. Councilmember May thanked Finance Director Walters for how this report is laid out; it is very helpful to Council.

**11. UNFINISHED BUSINESS**

**a) Appoint Deputy Registrar and Approve Deputy Registrar Application – Human Resources**

Staff requested authorization to re-submit the application to the State for a license center in City Hall. The application addresses the previous concerns of the State and now has David McKnight, City Administrator as Deputy Registrar and Randy Distad, Parks and Recreation Director, as Operations Manager.

Councilmember May did not understand this. We approved a contract on a certain array of services which laid out a future revenue plan. She asked if we would be opening an office that does not include all these services. What was brought to Council for the original vote was a certain array of services and after two or three years, if they reach a certain amount of revenue, then we get a portion of it. Now we are talking about having them open, they may or may not be able to provide all the services so why are we discussing opening something that is not the original plan. She did not understand why Randy Distad would be the Operations Manager. She was not in favor of this to begin with and it has gotten very confusing. What if we do not get approved? She felt we should wait to see if the legislation is approved.

City Attorney Jamnik stated the way to see if it gets approved as revised is to resubmit the application. The application addresses their original concerns. The drivers' license part is not being submitted and he was not aware what revisions or arrangements staff has made with Quick-Serv to modify the agreement. Councilmember May has not heard anything about modifications to the original agreement. She felt this changes the agreement, because we will not be looking at revenue sharing, if they are not providing all the services originally presented.

Mayor Larson recalled they could have opened this spring and offered everything except drivers' licenses. City Attorney Jamnik added with revisions to the agreement. Mayor Larson stated these are the revisions to the application the State requested. City Attorney Jamnik stated he has not been included in conversations with the State, Quick-Serv, and City staff.

Councilmember May asked if this step just has to do with submitting the application and nothing about whether they open with partial services. Mayor Larson stated this appoints the City Administrator as Deputy Registrar and the Parks and Recreation Director as Operations Manager and if it is approved, we can open. City Attorney Jamnik stated this will give you the legal authorization

to open. If Council wants to reserve the right to actually open, you always have that right.

Councilmember Donnelly stated the original agreement was for drivers' licenses and everything. This is less than that. Councilmember May stated the agreement was based on a reasonable expectation that a goal will be reached and we will get a reward for that. It will cost us something and they are taking up space so what does the plan look like now to get a return on investment? Mayor Larson stated originally we wanted this to bring traffic downtown. The insurance agent across the street obtained six new customers in the short time the license center was open. Councilmember May stated we are talking about taxpayer expense to bring in business. Mayor Larson stated this was to be an economic development tool to have the office open in City Hall and bring traffic downtown. Councilmember May stated then we need to have a new plan presented because the plan has changed from the original. If any of this involves opening the office now, she wants to see an amended plan and Council should vote on it. Mayor Larson suggested approving submittal of the application and if it does get approved, bring the contract back to Council. He asked if the contract is still valid with Quick-Serv. City Attorney Jamnik stated Quick-Serv cannot provide all the services originally stated in the contract. It should be amended before the center becomes operational. **MOTION** by Bartholomay, second by Fogarty to approve the appointment of David McKnight as Deputy Registrar and Randy Distad as Operations Manager for Office 177 and authorize re-submittal of the application to the Department of Public Safety, Driver and Vehicle Services Division and bring the agreement with Quick-Serv back to Council prior to opening. Voting for: Larson, Bartholomay, Fogarty. Voting against: Donnelly, May. **MOTION CARRIED.**

**12. NEW BUSINESS**

**13. COUNCIL ROUNDTABLE**

**Councilmember Fogarty:** Attended National Night Out events and residents were excited to see Councilmembers. The Farmington Royalty also attended events and had a great time. She thanked the Police Officers and Firefighters for representing our community that night.

She noted Mr. Treacle was hoping Council would help out with the event including speaking or busing tables. She would be willing to help.

The Dakota County Fair ended last night and she judged a salsa contest which was fantastic. Attendance was very good. There was a new exhibit on wolves and it will be opening in November in Lakeville. She thanked everyone who volunteered at the Fair.

**Councilmember Bartholomay:** The groundbreaking for Immanuel Dental was held a couple weeks ago and he is looking forward to the business opening.

Pizza Hut opened in Charleswood Marketplace.

He also attended National Night Out and it went very well. Residents were extremely pleased to see Councilmembers and officers.

He requested that the Finance Director, City Engineer, Parks and Recreation Director and Human Resources Director attend Council meetings. Several times he has had questions and staff was not in attendance so he has to contact them at City Hall. Mayor Larson suggested leaving that up to the new City Administrator. Councilmember Fogarty stated what would be helpful is to advise the City Administrator that we do have questions to be answered so everyone can hear them. If we do not have questions for a particular department head, she was not sure it was necessary to have them here. Councilmember Bartholomay stated on tonight's agenda we had items to be approved and he felt Directors should be here in case Council had questions. He agreed if there was no reason for them to come they did not need to be here. Councilmember Fogarty felt it was up to Council to advise them if something will be pulled from the Consent agenda, because if they do not have an item to present, there is no need for them to come. Councilmember Bartholomay was not always sure if he would pull something until an hour before the meeting.

**Councilmember May:** They are Directors and part of the Board so she feels Council has been at a detriment not having them here. It is part of their responsibility as heads of those departments to be here whether they have something on the agenda or not. Council is at a loss not having them here. It is one thing reading the minutes, but you miss a lot not being here.

Ramble Jam will be held October 1. Tickets are sold online and money goes to the Farmington Rotary Club which puts the money back into the community. Admission is \$15 for a full day of country music. Local businesses will be there selling items. The Rotary is also looking for ways to include other non-profit organizations in this event for fundraising opportunities for them.

**City Engineer Schorzman:** He recommended having another budget workshop for staff to present more information prior to the preliminary budget. Council set a workshop for August 22, 2011, at 5:00 p.m.

**Mayor Larson:** National Night Out was a blast. The parties were fantastic and he thanked the residents for participating.

He will be participating in the Race For Hunger Mayor's Cup Event on September 9. This is a stock car race between Dakota County Mayors. Proceeds go to the local food shelves.

He encouraged residents to shop locally and support local businesses. Liquor store profits stay in the community and help to lower taxes.

**14. ADJOURN**

**MOTION** by Fogarty, second by Bartholomay to adjourn at 8:34 p.m. **APIF, MOTION CARRIED.**

Respectfully submitted,

Cynthia Muller  
Executive Assistant