



Meeting Location:  
Farmington City Hall, Council  
Chambers  
430 Third Street  
Farmington, MN 55024

## CITY COUNCIL REGULAR MEETING AGENDA

Monday, August 5, 2024

7:00 PM

Page

1. CALL TO ORDER 7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVE AGENDA

5. ANNOUNCEMENTS / COMMENDATIONS

6. CITIZENS COMMENTS / RESPONSES TO COMMENTS

(This time is reserved for citizen comments regarding non-agenda items. No official action can be taken on these items. Speakers are limited to five minutes to address the city council during citizen comment time.)

7. CONSENT AGENDA

- |      |   |         |
|------|---|---------|
| 7.1. | Appointment of Additional Election Judges for the 2024 Election Cycle<br><a href="#">Agenda Item: Appointment of Additional Election Judges for the 2024 Election Cycle - Pdf</a> | 4 - 6   |
| 7.2. | Minutes of the July 1, 2024 City Council Work Session<br><a href="#">Agenda Item: Minutes of the July 1, 2024 City Council Work Session - Pdf</a>                                 | 7 - 9   |
| 7.3. | Minutes of the July 1, 2024 Regular City Council Meeting<br><a href="#">Agenda Item: Minutes of the July 1, 2024 Regular City Council Meeting - Pdf</a>                           | 10 - 17 |
| 7.4. | Minutes of the July 15, 2024 Regular City Council Meeting<br><a href="#">Agenda Item: Minutes of the July 15, 2024 Regular City Council Meeting - Pdf</a>                         | 18 - 23 |
| 7.5. | Resolution Approving the Development Contract Along with the Conveyance of Real Property - Vermillion River Crossings Third Addition  | 24 - 48 |

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- 7.6. Payment of Claims 49 - 50  
[Agenda Item: Payment of Claims - Pdf](#)  
Payment of Claims
- 7.7. Deputy Fire Chief Job Classification 51 - 55  
[Agenda Item: Deputy Fire Chief Job Classification - Pdf](#)
- 7.8. Declaring Items as Surplus and Authorizing Disposal (Playground Equipment) 56 - 57  
[Agenda Item: Declaring Items as Surplus and Authorizing Disposal \(Playground Equipment\) - Pdf](#)
- 7.9. Donations for Movies and Music in the Park 58 - 60  
[Agenda Item: Donations for Movies and Music in the Park - Pdf](#)
- 7.10. Resolution Declaring Surplus Property 61 - 62  
[Agenda Item: Resolution Declaring Surplus Property - Pdf](#)
- 7.11. Final Acceptance of Public Streets and Utilities and Release of Securities - Vita Attiva at South Creek Third Addition 63 - 66  
[Agenda Item: Final Acceptance of Public Streets and Utilities and Release of Securities - Vita Attiva at South Creek Third Addition - Pdf](#)
- 7.12. Receive Bids and Award a Contract for the 2024 Mill & Overlay 67 - 79  
[Agenda Item: Receive Bids and Award a Contract for the 2024 Mill & Overlay - Pdf](#)
- 7.13. Resolution Declaring Surplus Equipment-Public Works 80 - 81  
[Agenda Item: Resolution Declaring Surplus Equipment-Public Works - Pdf](#)

8. PUBLIC HEARINGS

- 8.1. Vacation of Drainage and Utility Easement within Vermillion River Crossings Plat 82 - 84

After any public comment is taken, close the public hearing regarding the vacation of the drainage and utility easement and adopt Resolution No. 2024-70 Vacating Existing Drainage and Utility Easement Vermillion River Crossings.

[Agenda Item: Vacation of Drainage and Utility Easement within Vermillion River Crossings Plat - Pdf](#)

9. AWARD OF CONTRACT

10. PETITIONS, REQUESTS AND COMMUNICATIONS

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- 12.1. Resolution 2024-71 Adopting a Final Order and Record of Decision for an Alternative Urban Areawide Review (AUAR) for the Farmington Technology Park Project

85 - 162

As the RGU, the City Council is asked to consider Resolution 2024-71 Adopting a Final Order and Record of Decision for an Alternative Urban Areawide Review (AUAR) for the Farmington Technology Park Project.

[Agenda Item: Resolution 2024-71 Adopting a Final Order and Record of Decision for an Alternative Urban Areawide Review \(AUAR\) for the Farmington Techn - Pdf](#)

13. CITY COUNCIL ROUNDTABLE

14. ADJOURN

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Shirley Buecksler, City Clerk  
**Department:** Administration  
**Subject:** Appointment of Additional Election Judges for the 2024 Election Cycle  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

For Council approval is a resolution appointing additional Election Judges for the 2024 election cycle.

### DISCUSSION:

Per Minnesota Statutes 204B.21, *"Election Judges for precincts in a municipality shall be appointed by the governing body of the municipality. Appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required."*

Additional Election Judges are needed to serve our voters in the city of Farmington during the upcoming 2024 elections. Staff is requesting that Council adopt Resolution 2024-66 approving the hiring of the following person(s) to serve voters at either the August 13th State Primary, the November 5th General Election, or both:

Anita Burris, Margaret Calkins, Paula Docken, Kathy Doyle, James Ellingson, Nina Gagnon, Janet Grohoski, Chan Harries, Thomas Kelley, Carrie Nelson, Susan Snay, Tracy Svee-O'Shaughnessy, Richard Thomas, and Hazel Truax.

The City of Farmington is proud to have such an amazing group of individuals who step up to serve their community in this capacity, and most continue to come back to serve year after year. Thank you to all of our judges for choosing to join Team Farmington!

### BUDGET IMPACT:

Costs included in the City's 2024 budget.

### ACTION REQUESTED:

Adopt Resolution 2024-66 Appointing Additional Election Judges for the August 13, 2024 State Primary, and the November 5, 2024 General Election.

### ATTACHMENTS:

[2024-66 Appointing Additional Election Judges for the 2024 Election Cycle](#)



**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-66**

**A RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGES FOR  
THE AUGUST 13, 2024 STATE PRIMARY,  
AND THE NOVEMBER 5, 2024 GENERAL ELECTION**

**WHEREAS**, pursuant to Minnesota Statutes 204B.21, Subdivision 2, the City Council must appoint Election Judges to serve in upcoming elections at least 25 days prior to the election, with the exception of appointing additional Election Judges within the 25 days before the election if it is determined that additional Election Judges will be required; and

**WHEREAS**, the Election Judges listed below are needed to serve voters in the city of Farmington at either the August 13<sup>th</sup> State Primary, the November 5<sup>th</sup> General Election, or both.

**NOW, THEREFORE, BE IT RESOLVED**, that the Farmington City Council hereby appoints the following person(s) to serve in positions of Head Judge, Election Judge, Health Care Facility Judge, and Student Judge at any and all elections, in the capacity given by the City Clerk and conducted by the City of Farmington, subject to change as needed in order to maintain major political party balance, pursuant to Minnesota Statute 204B.19, subdivision 5:

Anita Burris		Margaret Calkins
Paula Docken		Kathy Doyle
James Ellingson		Nina Gagnon
Janet Grohoski		Chan Harries
Thomas Kelley		Carrie Nelson
Susan Snay		Tracy Svec-O'Shaughnessy
Richard Thomas		Hazel Truax

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to assign Election Judges to specific precincts, in accordance with statutory requirements, and to make substitutions or additions as deemed necessary in order to fill vacancies.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk



 430 Third St., Farmington, MN 55024  
 651-280-6800  
 FarmingtonMN.gov

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Shirley Buecksler, City Clerk  
**Department:** Administration  
**Subject:** Minutes of the July 1, 2024 City Council Work Session  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

For Council review are the minutes of the July 1, 2024 City Council Work Session.

### ACTION REQUESTED:

Approve the minutes of the City Council Work Session dated July 1, 2024.

### ATTACHMENTS:

[07.01.24 Work Session Minutes](#)

**City of Farmington**  
**City Council Work Session Minutes**  
**Monday, July 1, 2024**

The City Council met in a Work Session on Monday, July 1, 2024, at Farmington City Hall, 430 3<sup>rd</sup> Street, Farmington, Minnesota.

**1. CALL TO ORDER**

Mayor Hoyt called the Work Session to order at 5:30 pm.

Members Present: Mayor Joshua Hoyt  
Councilmembers Holly Bernatz, Katie Bernhjelm, Nick Lien,  
and Steve Wilson

Members Absent: None

Staff Present: Lynn Gorski, City Administrator  
Deanna Kuennen, Community & Economic Development Director  
Kellee Omlid, Parks & Recreation Director  
John Powell, Public Works Director  
Shirley Buecksler, City Clerk

Also Present: Lisa Alfson, Dakota County Community Development Agency  
Maggie Dykes, Dakota County Community Development Agency  
Tony Schertler, Dakota County Community Development Agency  
Mike Slavik, Dakota County Commissioner, District 1

**2. APPROVE AGENDA**

Motion was made by Councilmember Wilson and seconded by Councilmember Bernatz to approve the agenda, as presented.

Motion carried: 5 ayes / 0 nays

**3. DISCUSSION ITEMS**

3.1 Discussion with Dakota County CDA Regarding Local Affordable Housing Aid (LAHA) Collaboration Opportunities

Council participated in a discussion about LAHA collaboration and agreed to proceed with a formal agreement with the Dakota County CDA to deploy LAHA funds.

3.2 2024 Council Committee Appointments

Following the appointment of Katie Bernhjelm as City Councilmember on June 3, 2024, Council discussed and approved an amendment to the 2024 Council Committee Appointments as shown below:

<b>PUBLIC AGENCY</b>	<b>MEMBER(S) APPOINTED</b>
Airlake Airport Advisory Commission	Holly Bernatz – Primary Katie Bernhjelm - Alternate
ALF Ambulance (Apple Valley/Lakeville/ Farmington)	Steve Wilson – Primary Nick Lien – Alternate
Dakota 911 Board of Directors	Nick Lien – Primary Steve Wilson - Alternate
EFPAC Empire/Farmington Planning Advisory Committee	Joshua Hoyt – Primary Katie Bernhjelm - Alternate
Eureka/Farmington Planning Advisory Committee	Holly Bernatz - Primary Joshua Hoyt – Alternate
Farmington/Castle Rock Discussion Group	Joshua Hoyt – Primary Steve Wilson – Alternate
Fire Relief Board	Steve Wilson Nick Lien
Liquor Operations Committee	Holly Bernatz Katie Bernhjelm
MUSA Review Committee (Metropolitan Urban Service Area)	Holly Bernatz Nick Lien

Council directed the City Clerk to bring Resolution 2024-57, Approving a Second Amendment to the Appointments to Council Committees for the Remainder of Calendar Year 2024, forward to the July 1, 2024 Regular City Council Meeting for approval and adoption.

**4. COUNCIL COMMITTEE UPDATE**

No update.

**5. CITY ADMINISTRATOR UPDATE**

No update.

**6. ADJOURNMENT**

Motion was made by Councilmember Wilson and seconded by Councilmember Bernatz to adjourn the meeting at 6:36 p.m.

Motion carried: 5 ayes / 0 nays

Respectfully submitted,

Shirley R Buecksler  
City Clerk



 430 Third St., Farmington, MN 55024  
 651-280-6800  
 FarmingtonMN.gov

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Shirley Buecksler, City Clerk  
**Department:** Administration  
**Subject:** Minutes of the July 1, 2024 Regular City Council Meeting  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

For Council review are the minutes of the July 1, 2024 Regular City Council meeting.

### ACTION REQUESTED:

Approve the minutes of the Regular City Council meeting dated July 1, 2024.

### ATTACHMENTS:

[07.01.24 Council Minutes](#)

**City of Farmington  
Regular Council Meeting Minutes  
Monday, July 1, 2024**

The City Council met in regular session on Monday, July 1, 2024, at Farmington City Hall, 430 3<sup>rd</sup> Street, Farmington, Minnesota.

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

Mayor Hoyt led everyone in the Pledge of Allegiance.

**3. ROLL CALL**

Members Present: Mayor Joshua Hoyt  
Councilmembers Holly Bernatz, Katie Bernhjelm, Nick Lien,  
and Steve Wilson

Members Absent: None

Staff Present: Lynn Gorski, City Administrator  
Julie Flaten, Asst City Administrator/HR Director  
Leah Koch, City Attorney  
Deanna Kuennen, Community & Economic Development Director  
Kim Sommerland, Finance Director  
Kellee Omlid, Parks & Recreation Director  
Gary Rutherford, Police Chief  
John Powell, Public Works Director  
Shirley Buecksler, City Clerk

Also Present: William Lauer, CPA - MMKR

**4. APPROVE AGENDA**

Motion was made by Councilmember Bernhjelm and seconded by Councilmember Wilson to approve the agenda, as presented.

Motion carried: 5 ayes / 0 nays

**5. ANNOUNCEMENTS / COMMENDATIONS**

**5.1 Parks and Recreation Month Proclamation**

Mayor Hoyt and City Councilmembers read a proclamation declaring July 2024 as Parks and Recreation Month in Farmington.

## **6. CITIZENS COMMENTS / RESPONSES TO COMMENTS**

No comments.

## **7. CONSENT AGENDA**

- 7.1 Gambling Event Permit Application for Church of St. Michael, September 28-29, 2024; Resolution 2024-56
- 7.2 Temporary On-Sale Liquor License Application for the Church of St. Michael, September 28-29, 2024
- 7.3 Minutes of the June 17, 2024 Regular City Council Meeting
- 7.4 Minutes of the June 17, 2024 Special Work Session
- 7.5 Resolution 2024-57 Approving a Second Amendment to the Appointments to Council Committees for the Remainder of 2024
- 7.6 Resolution 2024-59 Amending Resolution 2024-43 Approving and Authorizing Execution of an Abatement Agreement with Apartments Farmington, LLC
- 7.7 Payment of Claims
- 7.8 Fire Service Agreement with Eureka Township
- 7.9 Staff Changes and Recommendations, Including:
  - Appointment of Kristopher Janke, Justin Kelly, Tabatha Lillie, and Chase Pankow as Paid-on-Call Firefighters;
  - Appointment of Bradyn Willford as a Police Officer; and
  - Appointment of Benjamin Humlie as a Natural Resources Specialist.
- 7.10 Agreement with Rose Music Services for Solo Acoustic Live-Looping Performance
- 7.11 Donation of Gift Cards and Water Bottles from Twin Cities Running Company to the Dew Run; Resolution 2024-58
- 7.12 Amendment to the Criminal Justice Network Joint Powers Agreement; Resolution 2024-49

Motion was made by Councilmember Bernatz and seconded by Councilmember Lien to approve the Consent Agenda, as presented.

Motion carried: 5 ayes / 0 nays

## **8. PUBLIC HEARINGS**

### **8.1 Cannabis Business Moratorium**

City Attorney Koch presented an interim ordinance prohibiting the operation of cannabis businesses.

Mayor Hoyt opened the public hearing at 7:06 pm. Seeing no one wishing to speak, Mayor Hoyt closed the public hearing at 7:08 pm.

Motion was made by Councilmember Wilson and seconded by Councilmember Bernhjelm to pass Ordinance 2024-06, An Interim Ordinance Prohibiting the Operation of Cannabis Businesses.

Motion carried: 5 ayes / 0 nays

## **9. AWARD OF CONTRACT**

## **10. PETITIONS, REQUESTS AND COMMUNICATIONS**

## **11. UNFINISHED BUSINESS**

## **12. NEW BUSINESS**

### **12.1 2023 Annual Comprehensive Financial Report and Related Audit Reports**

William Lauer, CPA – MMKR presented the 2023 Annual Comprehensive Financial Report and Related Audit Reports.

## **13. CITY COUNCIL ROUNDTABLE**

Attorney Koch:

The Office of Cannabis Management continues to produce resources for local governments. Looking forward to those conversations.

Councilmember Lien:

Thank you to all the volunteers for Dew Days, it was a lovely weekend. Hope everyone has a safe and happy Fourth of July.

Councilmember Bernatz:

If everyone up here says thank you to the Dew Days Committee and the volunteers, and the Staff that were there, I don't think it will be enough. It was a great event, really well run, and I'm looking forward already to next year.

It's Fourth of July week and there was something interesting I learned about keeping your little humans safe. If you are swimming in lakes or pools, and also in the market for new swimsuits, get the bright ones. The orange, yellow, and pink ones show up in the water.

Councilmember Bernhjelm:

Dew Days was an absolute blast, the community did a fantastic job, and it was really fun to see downtown full and buzzing for a few days. Excellent work by that entire team.

Councilmember Wilson:

People may be wondering why I am wearing an "I Voted" sticker. The Primary is coming up and I got to see Shirley, who can help anyone who wishes to vote early for the upcoming Primary. She and her team will do a great job to help you out, so just wanted to acknowledge her.

I would like to second Kellee's comments about the Parks and Recreation Department and the Team. Our parks and trails are heavily utilized but, thanks to all of you for picking up trash and litter and to the Parks Maintenance crew and everybody for doing such a great job out there, they are attractive. Huge kudos to all of you.

Congratulations to Wendy Boos for winning the Kiss the Pig contest. She did a very honorable job serving that new role.

Mayor Hoyt encouraged all of us to attend the Coronation a couple weeks ago and it was quite an amazing event. These young women who are representing our community with such enthusiasm, and all the parents that spend so much time driving to parades, I want to give a special shout out to all those ambassadors who are going to be representing our community over the summer and the next year. Congratulations to all of you.

Administrator Gorski:

City Hall will be closed this Thursday for Independence Day, and we will be back open on Friday at 8 am

Director Kuennen:

A reminder that on July 16<sup>th</sup> from 8 to 10:30 am, we will have our Small Business Resource Fair at City Hall. I encourage all small businesses to take advantage of this opportunity to have access to some resources that you may or may not know about and to network with your peers.

Director Powell:

An important project regionally, and certainly to the City of Farmington, Dakota County received five proposals for a corridor study and preliminary engineering on Denmark Avenue, from County Road 50 down to 220<sup>th</sup> Street. In partnership with the City, we will be reviewing those proposals. The study would begin immediately, and they'd expect to complete it by about this time next year.

Director Omlid:

The new playground equipment at Rambling River Park was opened for play early this afternoon, so come join us. The zip line was not open today because they were still missing a part and, hopefully, it will be here tomorrow, so that will be up and running within the next few days. The orange snow fence will stay around the perimeter of park while we let the turf establish. The old playground was also fenced off today in preparation for demolition of that playground equipment.

At this time, I want to send a huge thank you to the City Council for your support in making that happen. The vision to use American Rescue Plan Act (ARPA) funds to purchase that equipment and that surfacing and making it an inclusive playground for the community is amazing. It will be a draw for everyone – people from other

communities will come to use this equipment. So thank you for your support for this project.

I also want to thank Minnesota Energy Resources. If you recall, we had received a grant from them to put towards the purchase of the equipment. Thank you to Nicole and her team at Minnesota Energy.

And thank you to the Parks Maintenance Staff. From ripping out the tennis court surface, which we did not expect 12 inches of asphalt, to prepping the site for playground installation, to getting the fill in, the turf, the awesome job they did with the cement pads for the benches and the bike rack, they did great work out there. Thank you to that Team and to the community. We will have a grand opening in July or August, but it is open for play, and we're excited to see the kiddos and the adults on that playground. So enjoy the playground!

Director Sommerland:

In follow-up to tonight's presentation, I want to give a shout out to the Finance Department and all of the Management Team. I couldn't have completed that audit without them, especially with me only having been here two months of last year. I appreciate everyone's help.

Chief Rutherford:

At the last Council meeting roundtable, I made a plea for everyone to please be safe and be careful with all the extra traffic and activity downtown for Dew Days. I am happy to report it was a largely incident-free weekend. All the way around it was safe, it was fun, and everybody seemed to be enjoying themselves and nobody got too carried away.

I am a 22-year resident of the city of Farmington, and I spend a fair amount of time in our parks and on our trails. I would like to give a shout out to Kellee and all of her Staff for keeping them in amazing condition. It's a real asset to the community, and I'd like to thank you for that.

Mayor Hoyt:

Three years ago, there was almost no event to be had for Dew Days. It was on that line, but Holly Shearer and Holly Bernatz showed up and pleaded in March to make it happen. And each year since, it has built in awesomeness and has increased in attendance. To the Chief's point, it has been mostly incident-free the last few years. The one thing I heard people say most throughout the event was they were surprised at how clean it stayed. Not just how many trash cans were put out, but that people were picking things up and putting them away. It's not a shot at any other city, but when you go to a lot of events, that's just part of the deal and there's stuff everywhere. There's a lot of people eating, drinking, etc., and it's the mess that comes with the large event. We've managed to stay away from that. We've managed to have a very clean event; people respect the community and the

businesses and they're not damaging stuff. That's a testament to the character of our residents and those that come into our community for events like Dew Days.

A huge holiday on Thursday – Independence Day. Be safe and have fun. This is a holiday that is usually welcomed with many aerial explosive devices that we call fireworks and, while certain types are still illegal in the state, you can still be respectful of your neighbors. There is a pretty impressive display put on in any number of neighborhoods across the community not only the night of the fourth, but the weekend that happens to follow after that. Just remember that not everybody has the same holiday schedule and not everybody has the same days off. Some work nights and sleep during the day, or they have dogs, or kiddos, or adults in the home that have sensitivity to sounds. Just be aware of your surroundings. You can have fun and be responsible, but you need to be respectful of your neighbors at the same time. And please, help our Public Works Department by cleaning up your trash. All the debris that's left behind, all the cardboard pieces and stuff, take the time to sweep them up the following morning and dispose of them safely. Please clean it up so it doesn't end up in our storm water ponds.

#### **14. ADJOURNMENT**

Motion was made by Councilmember Wilson and seconded by Councilmember Lien to adjourn the meeting at 7:45 pm.

Motion carried: 5 ayes / 0 nays

Respectfully submitted,

Shirley R Buecksler  
City Clerk



## **PROCLAMATION**

### **PARKS AND RECREATION MONTH, JULY 2024**

**WHEREAS**, parks and recreation is an integral part of communities throughout this country, including Farmington, promoting health and wellness and improving the physical and mental health of people who live near parks; and

**WHEREAS**, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being and alleviating illnesses, such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, and many other activities designed to promote active lifestyles; and

**WHEREAS**, parks and recreation programming and education activities, such as out-of-school time programming, youth sports, and environmental education, are critical to child development; and

**WHEREAS**, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation is fundamental to the environmental well-being of our community and the city's parks and natural recreation areas ensure the ecological beauty of Farmington and provide a place for children and adults to connect with nature and recreate outdoors; and

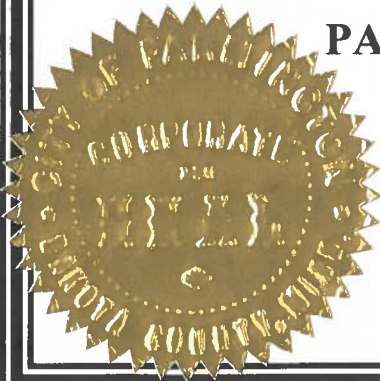
**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, the City of Farmington recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE**, I, Joshua Hoyt, Mayor, on behalf of the Farmington City Council, do hereby proclaim July 2024 as

### **PARKS AND RECREATION MONTH**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Farmington, Minnesota, to be affixed on this 1<sup>st</sup> day of July 2024.



Joshua Hoyt, Mayor



 430 Third St., Farmington, MN 55024  
 651-280-6800  
 FarmingtonMN.gov

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Shirley Buecksler, City Clerk  
**Department:** Administration  
**Subject:** Minutes of the July 15, 2024 Regular City Council Meeting  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

For Council review are the minutes of the July 15, 2024 Regular City Council meeting.

### ACTION REQUESTED:

Approve the minutes of the Regular City Council meeting dated July 15, 2024.

### ATTACHMENTS:

[07.15.24 Council Minutes](#)

**City of Farmington  
Regular Council Meeting Minutes  
Monday, July 15, 2024**

The City Council met in regular session on Monday, July 15, 2024, at Farmington City Hall, 430 3<sup>rd</sup> Street, Farmington, Minnesota.

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

Mayor Hoyt led everyone in the Pledge of Allegiance.

**3. ROLL CALL**

Members Present: Mayor Joshua Hoyt  
Councilmembers Holly Bernatz, Katie Bernhjelm, Nick Lien,  
and Steve Wilson

Members Absent: None

Staff Present: Lynn Gorski, City Administrator  
Julie Flaten, Asst City Administrator/HR Director  
Leah Koch, City Attorney  
Deanna Kuennen, Community & Economic Development Director  
Kim Sommerland, Finance Director  
Matt Price, Fire Chief  
Kellee Omlid, Parks & Recreation Director  
Gary Rutherford, Police Chief  
John Powell, Public Works Director  
Shirley Buecksler, City Clerk

Also Present: Rita Trapp, Vice President, Hoisington Koegler Group, Inc. (HKGi)  
Jessica Green, Managing Director, Northland Securities

**4. APPROVE AGENDA**

Motion was made by Councilmember Bernatz and seconded by Councilmember Wilson to approve the agenda, as presented.

Motion carried: 5 ayes / 0 nays

**5. ANNOUNCEMENTS / COMMENDATIONS**

**6. CITIZENS COMMENTS / RESPONSES TO COMMENTS**

No comments.

## **7. CONSENT AGENDA**

- 7.1 Appointment of Additional Election Judges for the 2024 Election Cycle; Resolution 2024-61
- 7.2 Amended Final Plat for Vermillion River Crossings Third Addition; Resolution 2024-64
- 7.3 Second Quarter Construction Report (2024)
- 7.4 Payment of Claims
- 7.5 Staff Changes and Recommendations, Including:
  - Appointment of Eric Whitmer as the Public Works Superintendent; and
  - Appointment of Gavin Janovsky as a Police Officer
- 7.6 City of Farmington – Firewall Upgrade
- 7.7 Accepting a Donation of a Park Sign for Daisy Knoll Park from Finch & Daisy Consulting; Resolution 2024-60
- 7.8 Additional Services Authorization with JLG Architects for Building Commissioning
- 7.9 Professional Services Agreement with Alliant Engineering, Inc. for Staff Augmentation
- 7.10 Professional Services Agreement with Alliant Engineering, Inc. for the 2025 Street Improvements Preliminary Design

Motion was made by Councilmember Wilson and seconded by Councilmember Bernhjelm to approve the Consent Agenda, as presented.

Motion carried: 5 ayes / 0 nays

## **8. PUBLIC HEARINGS**

## **9. AWARD OF CONTRACT**

## **10. PETITIONS, REQUESTS AND COMMUNICATIONS**

### **10.1 Public Park, Trails, and Open Space Dedication Ordinance**

Director Omlid introduced Rita Trapp of HKGi, who presented the park dedication study findings and recommended ordinance amendments and answered questions from Council.

Motion was made by Councilmember Bernhjelm and seconded by Councilmember Lien to pass Ordinance 2024-08 Amending Title 11, Chapter 4, of the Farmington City Code Regarding Public Park, Trails, and Open Space Dedication.

Motion carried: 5 ayes / 0 nays.

## **11. UNFINISHED BUSINESS**

## **12. NEW BUSINESS**

### 12.1 Authorizing Issuance and Awarding Sale of General Obligation Bonds, Series 2024A

Director Sommerland introduced Jessica Green of Northland Securities, who presented a report on the number of bidders and interest rates and answered questions from Council.

Motion was made by Councilmember Bernhjelm and seconded by Councilmember Wilson to adopt Resolution 2024-63 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details, and Providing for the Payment of \$3,115,000 General Obligation Bonds, Series 2024A.

Motion carried: 5 ayes / 0 nays.

## **13. CITY COUNCIL ROUNDTABLE**

Attorney Koch:

The Dakota County Fair is coming up August 5<sup>th</sup> through the 11<sup>th</sup>.

Councilmember Bernatz:

Relay for Life is at Boeckman Middle School on Friday. This is an area where, whether we want to admit it or not, we know far too many people that are affected by cancer. If you are moved in that direction, I would encourage you to join the people who are going there.

Councilmember Wilson:

On our Consent Agenda, we approved 14 new individuals that are going to be Election Judges. Thank you for stepping up, it actually makes our elections go more smoothly and helps out Shirley and the Team. I want to thank you, in addition to all those that have previously stepped up to volunteer.

Administrator Gorski:

I would like to welcome Heidi Welsch to the Dakota County Manager position. We're excited to work with her, and we look forward to seeing her here in Farmington.

Open Door Pantry will be coming to Rambling River Center tomorrow from 3 to 4:30 pm.

Clerk Buecksler:

Candidate filing for Mayor and two Councilmember seats will open on Tuesday, July 30<sup>th</sup>, through Tuesday, August 13<sup>th</sup>, at 5 pm. The Affidavit of Candidacy and \$5 fee can be filed at City Hall with the City Clerk. If you have any questions on filing, elections, or voting, please let me know.

Director Flaten:

On the Consent Agenda tonight, we approved the Public Works Superintendent. If you recall, this is a position we had retooled and Staff had changed, so we are really excited to have found a qualified candidate. It's a critical role for Public Works.

Director Kuennen:

Today we had our EDA meeting – I appreciate the EDA and their input, and we will be putting together budgets.

Also, the final reminder that tomorrow from 8 – 10:30 am is our Small Business Resource Fair here at City Hall. We encourage all small businesses to participate.

Director Powell:

We found out late last week that we received a grant as part of the Watershed Based Implementation Funding that comes from the Board of Water and Soil Resources. At a state level, a certain amount is allocated to Dakota County or, specifically, to the Vermillion River Watershed Joint Powers Organization (JPO), and then it's a competitive process to score potential projects. In early 2023, we did a study of various projects we could do to improve the storm water quality being discharged into the Vermillion River, and we had one project at 4<sup>th</sup> Avenue and Willow Street. The estimated cost is \$117,000 and the grant amount is about \$71,000 to cover that cost. This would be next year. The balance is split between the City, the County, and the Watershed JPO, with most of it coming from the Watershed JPO. We really appreciate those partnerships we have and the JPO advocating on behalf of the City of Farmington.

Director Omlid:

Reminder that Party in the Park is Friday, July 26<sup>th</sup>, at Lake Julia Park. At 7 pm is Kidsdance to start the night off, then about 8:40 pm, we will be showing the movie, Shrek. The event is free for all, some come out and enjoy.

Director Sommerland:

We are busy reviewing the budget and putting that together for 2025. Lynn, Julie, and I have met with all the departments to discuss their budget requests in a little bit of detail. We will be reviewing those, refining budgets, and meeting with Council at a work session in early August to hopefully bring to you a viable and fiscally responsible budget.

Chief Price:

This evening, our four Paid-on-Call Firefighters just started their onboarding process.

We are still working on the tender and waiting on our drop tanks. We will be having a ceremony for the tender. There was a lot of miscommunications with the vendor we were dealing with, and they put a rush order on it but it's one of those things

where we are at the mercy of when they actually make the product again. It's a blue tarp, which they don't have, so we have to wait for them to make it.

Chief Rutherford:

Tuesday, August 6<sup>th</sup>, is National Night Out. If you would like to register your neighborhood event, you can do that through the City's website.

**14. ADJOURNMENT**

Motion was made by Councilmember Bernatz and seconded by Councilmember Lien to adjourn the meeting at 8:02 pm.

Motion carried: 5 ayes / 0 nays

Respectfully submitted,

Shirley R Buecksler  
City Clerk

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Tony Wippler, Planning Manager  
**Department:** Community Development  
**Subject:** Resolution Approving the Development Contract Along with the Conveyance of Real Property - Vermillion River Crossings Third Addition  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The City Council approved an amended final plat for Vermillion River Crossings Third Addition on July 15, 2024. A condition of approval was that a Development Contract between the Developer and City of Farmington must be executed, and security fees and costs be paid. Attached for Council's consideration is a resolution approving the Development Contract for Vermillion River Crossings Third Addition, along with the conveyance of a portion of former Dushane Parkway right-of-way that will be included in Lot 1, Block 1 of the Vermillion River Crossings Third Addition plat from the City of Farmington to Farmington Dushane Apartments, LLC. The proposed quit claim deed is attached as Exhibit D.

### DISCUSSION:

The attached contract is a standard Development Contract that spells out the requirements for development of the land including timelines to complete the platting process, defining development charges and fees, and addressing construction of the public infrastructure required to serve the development together with the associated sureties.

The Developer has reviewed the attached contract and finds it acceptable.

### BUDGET IMPACT:

The fees that will be collected as part of the Development Contract are as follows:

- Surface Water Quality Management Fee: \$445
- Surface Water Management Fee: \$78,537
- Watermain Trunk Area Charge: \$40,868
- Sanitary Sewer Trunk Area Charge: \$21,908
- Park Dedication Cash-in-Lieu: \$160,563
- Sealcoating: \$1,102

### ACTION REQUESTED:

Adopt Resolution 2024-72 Approving the Conveyance of Real Property and Development Contract.

**ATTACHMENTS:**

[Res 2024-72 Approving Conveyance of Real Property and Development Contract](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-72**

**RESOLUTION APPROVING THE CONVEYANCE  
OF REAL PROPERTY AND DEVELOPMENT CONTRACT**

**WHEREAS**, the City Council approved an Amended Final Plat to Farmington Apartments, LLC in Resolution 2024-64 on July 15, 2024, pertaining to the property described in Exhibit A (“Subject Property”); and

**WHEREAS**, the operators of Farmington Apartments, LLC have changed the name of their company to Farmington Dushane Apartments, LLC (“Developer”) in order to purchase and develop the Subject Property; and

**WHEREAS**, the Developer have requested a quit claim deed from the City of Farmington (“City”) for the portion of Outlot J in the Vermillion River Crossings Plat that overlaps with Lot 1, Block 1 of the Vermillion River Crossings 3<sup>rd</sup> Addition Plat (“Outlot J Parcel”) depicted on Exhibit B, attached hereto; and

**WHEREAS**, the City Council finds that it has no purpose for the Outlot J Parcel and that the City will reduce unnecessary maintenance costs through conveyance of the Outlot J Parcel; and

**WHEREAS**, the City finds that the conveyance of its interest in the Outlot J Parcel by quit claim deed to Developer is in the best interest of the City and furthers the aims and purposes of the City, provided that the Outlot J Parcel is combined with the Subject Property as a single tax parcel; and

**WHEREAS**, Minnesota Statutes 462.356, subdivision 2, requires that the Planning Commission review the City's proposed disposal of real property for compliance with the comprehensive plan and to report to the City Council in writing its findings; and

**WHEREAS**, Minnesota Statutes 462.356, subdivision 2, provides for an exception from the requirement for review by the Planning Commission upon 2/3 vote of the City Council dispensing with the requirement and finding that the disposal of the real property has no relationship to the comprehensive municipal plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Farmington, Minnesota, as follows:

1. The City Council finds that the conveyance of the Outlot J Parcel has no relationship to the comprehensive municipal plan.

2. Review by the Planning Commission of the acquisition of the Subject Property is hereby dispensed with.
3. The Development Contract, attached hereto as Exhibit C, is hereby approved.
4. Conveyance of the City's interest in the Vacated Property by Quit Claim Deed, attached hereto as Exhibit D, is hereby approved condition upon Developers combining Outlot J Parcel and Subject Property as a single tax parcel and paying all fees associated with the recording of the quit claim deed.
5. The City Attorney and City Staff are authorized to finalize all documents necessary to complete the conveyance of the Outlot J Parcel.
6. The Mayor, City Clerk, and City Administrator are authorized to execute any and all documents necessary and required under the terms of the Development Contract to affect the sale of the Outlot J Parcel.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

**EXHIBIT A**

**Development Property:**

That part of OUTLOT C, VERMILLION RIVER CROSSINGS, Dakota County, Minnesota, which lies southerly and easterly of the following described line;

Commencing at the northeast corner of said OUTLOT C; thence on an assumed bearing of South, along the east line of said OUTLOT C for 402.76 feet to the point of beginning of the line to be described; thence West for 320.00 feet; thence South for 540.07 feet to the south line of said OUTLOT C and said line there terminating.

**City Property:**

OUTLOT J, VERMILLION RIVER CROSSINGS, Dakota County, Minnesota



## DEVELOPMENT CONTRACT

**THIS AGREEMENT** (the "Agreement" or "Contract") dated this \_\_\_\_\_ day of August 2024 by, between, and among the **CITY OF FARMINGTON**, a Minnesota municipal corporation (the "City") and **FARMINGTON DUSHANE APARTMENTS, LLC**, a Minnesota Limited Liability Company (the "Developer").

1. **Request for Plat Approval.** The Developer has asked the City to approve a plat for **VERMILLION RIVER CROSSINGS THIRD ADDITION** (also referred to in this Development Contract as the PLAT). The land is situated in the City of Farmington, County of Dakota, State of Minnesota, and is legally described on the attached Exhibit A (the "Development Property").
2. **Conditions of Approval.** The City hereby approves the Plat on the conditions that:
  - a) The Developer enter into this Agreement; and
  - b) The Developer provide the necessary security in accordance with the terms of this Agreement; and
  - c) The Developer satisfy the Cash Requirements in accordance with the terms of this Agreement; and
  - d) All engineering issues must be addressed and engineering department approval of the construction plans; and
  - e) A roadway, drainage and utility easement in form reasonably acceptable to City and Developer, of at least 30 feet in width be provided for the access on the north side of Lot 1, Block 1 of the Plat.
  - f) The Developer record the Plat with the County Recorder or Registrar of Titles within six months of signature on the final plat by all signatories required by Minnesota law.
3. **Right to Proceed.** Within the Plat or land to be platted, the Developer may not grade or otherwise disturb the earth or remove trees, unless a grading permit has been approved by the City Engineer following approval of a preliminary plat by the City Council, construct sewer lines, water lines, streets, utilities public or private improvements or any building until all of the following conditions have been satisfied:
  - a) This Agreement has been fully executed by all parties and submitted for recording with the Dakota County Recorder's Office; and
  - b) The necessary security and fees have been received by the City; and
  - c) The necessary insurance for the Developer and its construction contractors has been received by the City; and
  - d) The Plat has been submitted for recording with the Dakota County Recorder's Office; and
  - e) A roadway, drainage and utility easement in form reasonably acceptable to City and Developer, of at least 30 feet in width be provided for the access on the north side of Lot 1, Block 1 of the Plat.
  - f) A copy of permits required for construction have been provided; and
  - g) The City Clerk or Engineer has issued a Notice to Proceed stating that all conditions have been satisfied and that the Developer may proceed, which shall be promptly delivered to the Developer upon satisfaction of the conditions.
4. **Development Plans.** The Developer shall develop the Plat in accordance with the plans identified as Plan A, Plan B and Plan C below (the "Plans"). Except for Plan A, the Developer shall prepare the Plans, which are subject to City approval, before commencement of any work in the Development Property. The Plans shall become a part of this Agreement once approved by the City Engineer. If the Plans vary from the written terms of this Agreement the Agreement shall control. The required Plans are:

Plan A – Final Plat

Plan B – Final Construction Plans and Specifications (Including Soil Erosion and Sediment Control, Grading Plans and Landscape Plans)

Plan C – Zoning/Development Map

The Developer shall use its best efforts to assure timely application to the utility companies for the following utilities: underground natural gas, electrical, cable television, and telephone. The installation of these utilities shall be constructed within public rights-of-way or public drainage and utility easements consistent with the City's engineering guidelines and standard detail plates.

**5. Easements.**

a) The Developer shall furnish the City at the time of execution of this Agreement with the easements designated on the Plat in form reasonably acceptable to City. A long-term maintenance agreement between the City and the Developer in a form acceptable to City and Developer will be required for all structural stormwater systems that are not owned or operated by the City but that are directly connected to the City's municipal separate storm sewer system (MS4) and within the City's jurisdiction.

b) The Developer shall convey to the City, at no cost to the City, all permanent and temporary easements necessary for the installation and maintenance of utilities, in form reasonably acceptable to the City and Developer.

**6. Required Public Improvements.** The Developer shall install and pay for the following:

- a) Sanitary Sewer System (trunk and lateral)
- b) Water System (trunk and lateral)
- c) Storm Sewer System
- d) Street along the northern boundary of Lot 1, Block 1 of the Plat
- e) Concrete Curb and Gutter
- f) Street Lights
- g) Erosion and Sediment Control, Site Grading and Stormwater Treatment
- h) Underground Utilities
- i) Setting Iron Monuments
- j) Surveying and Staking
- k) Sidewalks and Trails
- l) Landscaping and Screening

collectively the "Improvements".

The Improvements shall be installed in accordance with the Plans, and in accordance with all applicable laws, applicable City standards, applicable engineering guidelines, Ordinances and Plans which have been prepared by a competent registered professional engineer furnished to the City and reviewed by the City Engineer. Work done not in accordance with the Plans or without prior authorization of the City Engineer, shall be considered a violation of this Agreement and a Default of the Contract. The Developer shall obtain all necessary permits from the Metropolitan Council and other agencies before proceeding with construction.

The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work is consistent with Plans and meets the approved City standards as a condition of City acceptance. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspector(s) and a soil engineer inspect the Improvements on an as-needed basis.

The Developer, its contractors and subcontractors, shall follow all instructions received from the City's inspectors.

The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer and the Developer's contractor. The Developer or its engineer shall schedule a pre-construction meeting at a mutually agreeable time at City Hall with all parties concerned, including the City staff, to review the program for the Improvements. Within sixty (60) days after the completion of the Improvements and before the security is released, the Developer shall supply the City with a complete set of "As Built"

plans in an AutoCAD .DWG file or a .DXF file, all prepared in accordance to the City's engineering guidelines. Failure to provide the "As-Builts" may result in denial of Certificates of Occupancy. If the Developer does not provide such information, the City will produce the as-built drawings and all costs associated with producing the as-built drawings will be the responsibility of the Developer.

Before the security for the completion of the utilities is released, iron monuments must be installed in accordance with M.S. §505.021. The Developer's surveyor shall submit a written notice to the City certifying that the monuments have been installed.

7. **Permits.** The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits from appropriate entities, which may include but are not limited to:
  - A. Dakota County for County Road Access and Work in County Rights-of-Way
  - B. MnDOT for State Highway Access and Work in State Rights-of-Way
  - C. Minnesota Department of Health for Watermains
  - D. MPCA NPDES Permit for Construction Activity
  - E. MPCA for Sanitary Sewer and Hazardous Material Removal and Disposal
  - F. DNR for Dewatering
  - G. City of Farmington for Building Permits
  - H. MCES for Sanitary Sewer Connections
  - I. City of Farmington for Retaining Walls
  - J. City of Farmington for Right of Way Permits
  
8. **Dewatering.** Due to the variable nature of groundwater levels and stormwater flows, it will be the Developer's and the Developer's contractors' and subcontractors' responsibility to satisfy themselves with regard to the elevation of groundwater in the area and the level of effort needed to perform dewatering and storm flow routing operations. All dewatering shall be in accordance with all applicable county, state and federal rules and regulations. DNR regulations regarding appropriations permits shall also be strictly followed.
  
9. **Grading Plan.** The Plat shall be graded and drainage provided by the Developer in accordance with the approved Erosion and Sediment Control Plan and Grading Plan, included in Plan B. Plan B shall conform to the City of Farmington engineering guidelines. . The City will withhold issuance of building permits until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City Engineer.

Notwithstanding any other provisions of this Agreement, the Developer may start rough grading the property subject to the Plat within the stockpile and easement areas in conformance with Plan B before the Plat is filed if all fees have been paid, a MPCA Construction Storm Water Permit has been issued, and the City has been furnished the required security. Additional rough grading may be allowed upon obtaining written authorization from the City Engineer.

If the Developer needs to change grading affecting drainage the changes cannot take place until the City Engineer has approved the proposed grading changes. A MPCA Construction Storm Water Permit must be obtained before any grading can commence on the site.

10. **Erosion and Sediment Control.** Prior to initiating site grading, the Erosion and Sediment Control Plan, included in Plan B, shall be implemented by the Developer and inspected and approved by the City. The City may impose additional erosion and sediment control requirements if it is determined that the methods implemented are insufficient to properly control erosion and sedimentation. All areas disturbed by the grading operations shall be stabilized per the MPCA Stormwater Permit for Construction Activity. Seed shall be in accordance with the City's current seeding specification which may include temporary seed to provide ground cover as rapidly as possible. All seeded areas shall be fertilized, mulched and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion and sedimentation. If the Developer does not comply with the MPCA Stormwater Permit for Construction Activity or with the erosion and sediment control plan and schedule, or supplementary instructions received from the City, or in an emergency determined at the sole discretion of the City, the City may take such action as it deems appropriate to control erosion and sedimentation immediately, without notice to the Developer. Charges for corrective actions taken by the City or their contractor, will be charged to the SWPPP compliance escrow; the Developer is responsible for maintaining a balance of \$25,000 in this escrow. The City will endeavor to notify the Developer in advance of any proposed action, but failure of

the City to do so will not affect the Developer's and the City's rights or obligations hereunder. If the Developer does not reimburse the City for any costs the City incurred for such work within thirty (30) days, the City may draw down the SWPPP compliance escrow to pay such costs. No development, utility or street construction will be allowed and no building permits will be issued unless the Plat is in full compliance with the erosion and sediment control requirements.

Upon completion of the grading, the Developer shall provide the City with an "as-built" grading plan and a certification by a registered land surveyor or engineer that all ponds, swales and ditches have been constructed on public easements or land owned by the City. The "as-built" plan shall include field-verified elevations of the following: a) location and elevations along all swales and ditches and b) lot corners and house pads. The City will withhold issuance of building permits until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City Engineer.

11. **Wetland Natural Area Signs.** The Developer is responsible for installing City Natural Areas signs around all wetland and ponding areas, in accordance with the City's engineering guidelines and City detail plates. Wetland Buffer line limits and Natural Area sign locations must be indicated on individual lot surveys prior to the issuance of a building permit for that lot.
12. **Park Dedication and Trails.** The Developer is required to dedicate a total of 1.33 acres of land for park purposes for the entire development. The Developer shall pay cash-in-lieu of land in satisfaction of the 1.33 acres of land to meet the City's park dedication requirement as shown in Exhibit B.
13. **Streets.** The Developer will be responsible for the installation and maintenance of the street along the northern boundary of Lot 1, Block 1 of the Plat. The street section shall be in accordance with the City's standard detail plate for Industrial/Commercial street section. The City will design and construct the realignment of the intersection of Dushane Parkway and Spruce Street.
14. **Landscaping.** The Developer shall landscape the Plat in accordance with Plan B. The landscaping shall be accomplished in accordance with a time schedule approved by the City.
  - A. The Developer shall be solely responsible for the installation of all project landscaping.
  - B. All graded areas, including finish grade on lots, will require a minimum of 6" of black dirt/topsoil.
15. **Clean Up.** The Developer shall, within twenty-four (24) hours, clear from the public streets any soil, earth or debris resulting from construction work by the Developer or its agents or assigns. Any soil, earth or debris resulting from construction work by the Developer or its agents or assigns on other property shall be removed weekly or more often if required by the City Engineer. All debris, including brush, vegetation, trees and demolition materials, shall be disposed of off site. Burning of trees and structures shall be prohibited, except for fire training in coordination with the Farmington Fire Department. The City will have the right to clean the streets as outlined in current City policy. The Developer shall reimburse the City for street cleaning costs during the course of construction.
16. **License.** The Developer hereby grants the City, its agents, employees, officers and contractors, a non-exclusive license to enter the Plat to perform all necessary work and/or inspections deemed appropriate by the City during the installation of Improvements. The license shall expire after all Improvements installed pursuant to this Contract have been installed and accepted by the City.
17. **Time of Performance.** The Developer shall install all required Improvements by May 30, 2025,. The final wear course on streets shall be installed the first summer after the base layer of asphalt has been in place one freeze thaw cycle. The Developer may, however, request an extension of time from the City, which the City will not unreasonably withhold. If an extension is granted, it shall be conditioned upon updating the Security posted by the Developer to reflect cost increases. An extension of the Security shall be considered an extension of this Agreement and the extension of the Agreement will coincide with the date of the extension of the Security. All Improvements, including curb and gutter, bituminous base course, permanent street name signs, and street lighting, must be installed prior to the issuance of any Certificates of Occupancy.
18. **Ownership of Improvements.** Upon the completion of the Improvements and written acceptance by the City Engineer, the Improvements lying within public easements shall become City property, except for cable TV, electrical, gas, and

telephone, without further notice or action. The Developer shall formally request that the City accept improvements in writing. The City Council shall review and approve such requests to determine if the improvements are in compliance with this Agreement.

19. **Insurance.** Prior to execution of the Plat, Developer and its general contractor shall furnish to the City a certificate of insurance showing proof of the required insurance required under this paragraph. Developer and its general contractor shall take out and maintain or cause to be taken out and maintained until six (6) months after the City has accepted the Improvements, such insurance as shall protect Developer and its general contractor and the City for work covered by the Contract including workers' compensation claims and property damage, bodily and personal injury which may arise from operations under this Agreement, whether such operations are by Developer and its general contractor or anyone directly or indirectly employed by either of them. The minimum amounts of insurance shall be as follows:

**Commercial General Liability (or in combination with an umbrella policy)**

\$2,000,000 Each Occurrence

\$2,000,000 Products/Completed Operations Aggregate

\$2,000,000 Annual Aggregate

The following coverages shall be included:

Premises and Operations Bodily Injury and Property Damage

Personal and Advertising Injury

Blanket Contractual Liability

Products and Completed Operations Liability

**Automobile Liability**

\$2,000,000 Combined Single Limit – Bodily Injury & Property Damage

Including Owned, Hired & Non-Owned Automobiles

**Workers Compensation**

Workers Compensation insurance in accordance with the statutory requirements of the State of Minnesota, including Employer's Liability with minimum limits are as follows:

\$500,000 – Bodily Injury by Disease per employee

\$500,000 – Bodily Injury by Disease aggregate

\$500,000 – Bodily Injury by Accident

The Developer's and general contractor's insurance must be "Primary and Non-Contributory."

All insurance policies (or riders) required by this Contract shall be (i) taken out by and maintained with responsible insurance companies organized under the laws of one of the states of the United States and qualified to do business in the State of Minnesota, (ii) shall name the City, its employees and agents as additional insureds (CGL and umbrella only) by endorsement which shall be filed with the City. A copy of the endorsement must be submitted with the certificate of insurance.

Developer's and general contractor's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days' advanced written notice to the City, or ten (10) days' notice for non-payment of premium.

An Umbrella or Excess Liability insurance policy may be used to supplement Developer's or general contractor's policy limits on a follow-form basis to satisfy the full policy limits required by this Contract.

20. **Responsibility for Costs.**

a) The Developer shall pay all costs incurred by it or the City in conjunction with the development of the Plat, including, but not limited to, Soil and Water Conservation District charges, legal, planning, administrative, engineering, inspection and utility testing expenses incurred in connection with approval, acceptance and development of the Plat, the preparation

of this Agreement, and all reasonable costs and expenses incurred by the City in monitoring and inspecting the construction for the development of the Plat.

b) The Developer shall pay in full all bills submitted to it by the City within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all plat development work until the bills are paid in full. Bills not paid within thirty (30) days shall accrue interest at the rate of five percent (5%) per annum. If the bills are not paid within sixty (60) days, the City has the right to draw from the Developer's Security to pay the bills.

c) The Developer shall hold the City and its officers, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from Plat approval and development. The Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.

d) The Developer shall reimburse the City for costs incurred in the enforcement of this Contract, including engineering and attorneys' fees.

**21. Development Contract Administration.** The Developer shall pay a fee for in-house administration of this Agreement including monitoring of construction observation, consultation with the Developer and its engineer on the status of or problems regarding the project, coordination for final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. The fee for this service shall be three percent (3%) of anticipated construction costs and paid at the time of the execution of this agreement. The construction costs are currently anticipated to be \$106,990 resulting in an estimated fee of \$3,210.

**22. Construction Observation.** The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that all improvements are consistent with the Plans and meets the approved City standards as a condition of City acceptance. The Developer shall pay for construction observation performed by the City's in-house staff or consultant. As needed, construction observation shall include part or full time inspection of the Improvements, including erosion and sediment control inspections and will be billed on hourly rates. The Developer shall provide a cash escrow for these services estimated to be five percent (5%) of the estimated construction cost. The developer shall also provide a \$25,000 escrow for SWPPP Compliance. The 5% fee is anticipated to be \$5,349, based on the estimated construction cost of \$106,990.

**23. Development Fees.** The Developer shall pay area charges as defined on the City's most current fee schedule that include:

- a) Surface Water Management Fee
- b) Watermain Trunk Area Charge
- c) Water Treatment Plant Fee
- d) Sanitary Sewer Trunk Area Charge
- e) Park Dedication
- f) Sealcoating

A summary of the cash requirements under this Contract which must be furnished to the City prior to the recording of the Plat is shown on Exhibit B. Area charges for subsequent phases shall be calculated and paid based upon requirements in effect at the time the Development Contracts for those phases are entered into. Park Dedication requirements are calculated at the time of the preliminary plat for the overall development and collected with the Development Contract.

**24. Security.** To guarantee compliance with the terms of this Agreement, payment of the costs of all public improvements in the Plat and construction of all public improvements in the Plat, the Developer shall furnish the City with a cash escrow, irrevocable letter of credit, or alternative security acceptable to the City Administrator, from a bank (the "Security") for **\$108,737.00**. The amount of the security is based on 125% of the estimated construction costs as shown in Exhibit B.

The bank and form of the security shall be subject to the reasonable approval of the City Administrator. Letters of Credit shall be in the format and wording exactly as shown on the attached Letter of Credit form (Exhibit C). The Security shall be automatically renewing. The term of the Security may be extended from time to time if the extension is furnished to the City Administrator at least forty-five (45) days prior to the stated expiration date of the Security. If the required public

improvements are not completed, or terms of the Agreement are not satisfied, at least thirty (30) days prior to the expiration of a letter of credit, the City may draw down the letter of credit. The City may draw down the Security, without prior notice, for any violation of this Agreement or Default of the Contract following applicable cure periods

Upon receipt of proof satisfactory by the Developer's Engineer, an Engineer licensed in Minnesota, to the City Engineer that work has been completed in accordance with the Plans (and specifications), and terms of this Agreement, and that all financial obligations to the City, subcontractors, or other persons have been satisfied, the City Engineer may approve reductions in the Security provided by the Developer under this paragraph from time to time by ninety percent (90%) of the financial obligations that have been satisfied. Ten percent (10%) of the amounts certified by the Developer's engineer shall be retained as Security until all Improvements have been completed, the required "as built" plans have been received by the City, a warranty security is provided, and the public improvements are accepted by the City Council.

25. **Warranty.** The Developer and the Developer's Engineer represent and warrant to the City that the design for the project meets all laws, City standards, engineering guidelines and Ordinances. The Developer warrants all improvements required to be constructed by it pursuant to this Contract against poor material and faulty workmanship.

The warranty period for streets is one year. The warranty period for the streets shall commence after the final wear course has been completed. It is the responsibility of the Developer to complete all street improvements. Failure of the Developer to complete all street improvements in a timely manner shall not in any way constitute cause for the warranty period to be modified from the stipulations set forth above.

The warranty period for underground utilities is two years. The warranty period on underground utilities shall commence following its completion and acceptance by the City Engineer in writing. It is the responsibility of the Developer to complete the required testing of the underground utilities and request, in writing, City acceptance of the utilities. Failure of the Developer to complete the required testing or request acceptance of the utilities in a timely manner shall not in any way constitute cause for the warranty period to be modified from the stipulations set forth above.

All trees shall be warranted to be alive, of good quality, and disease free for 12 months after the security for the trees is released. Any replacements shall be warranted for 12 months from the time of planting.

The Developer shall post maintenance bonds in the amount of twenty five percent (25%) of the final certified construction cost or other surety acceptable to the City to secure the warranties. This guarantee is for the purpose of ensuring that the improvements have been constructed in accordance with City standards and may be called upon, at the City's discretion, during the stated period, if the City deems it necessary to repair and/or replace any of the Improvements. The form and issuer of said financial guarantee shall be subject to the approval of the City of Farmington. The total sum of the guarantee is available immediately to the City and may be used as deemed necessary by the City to resolve any development related deficiencies during the stated period. The City shall retain ten percent (10%) of the security posted by the Developer until the bonds or other acceptable surety are furnished to the City or until the warranty period has been completed, whichever first occurs. The retainage may be used to pay for warranty work. The City's engineering guidelines identify the procedures for final acceptance of streets and utilities.

26. **Developer's Default.** In the event of default by the Developer as to any of the Improvements to be performed by it hereunder, the City may, at its option, perform the work and the Developer shall promptly reimburse the City for any expense incurred by the City, provided the Developer, except in an emergency as determined by the City or as otherwise provided for in this Agreement, is first given written notice of the work in default to Developer, not less than seventy-two (72) hours in advance. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the land. When the City does any such work, the City may, in addition to its other remedies, assess the cost in whole or in part.

27. **City's Remedies on Default.**

Remedies of Default. Upon default, the City may exercise the following:

- A. Suspend its obligations under this Agreement until it is assured that the default is cured.
- B. Cancel or terminate this Agreement.
- C. Complete the Improvements from escrowed funds.

D. Take whatever action, which is deemed necessary, to collect payments due under this Agreement, or to enforce this Agreement

**28. Miscellaneous.**

- A. This Agreement shall be binding upon the parties, their heirs, successors or assigns, as the case may be. The Developer may not assign this Agreement without the written permission of the City Council, which will not be unreasonably withheld or conditioned. The foregoing notwithstanding, with written notice to the City, Developer may assign this Agreement to an affiliate of Developer. The Developer's obligation hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire Plat, or any part of it.
- B. Third parties shall have no recourse against the City under this Agreement.
- C. Breach of the terms of this Agreement by the Developer shall be grounds for denial of building permits, including lots sold to third parties.
- D. If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Agreement.
- E. Each right, power or remedy herein conferred upon the City is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.
- F. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- G. The Developer represents to the City that the Plat complies with all City, County, Metropolitan, State and Federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances and environmental regulations. If the City determines that the Plat does not comply, the City may, at its option, refuse to allow any construction or development work in the Plat until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.
- H. This Agreement shall run with the land and shall be recorded against the title to the Development Property before any building permits are issued. The Developer covenants with the City, its successors and assigns, that: the Developer is well seized in fee title of the Development Property and/or have obtained Consents to this Agreement, in the form attached hereto, from all parties who have an interest in the Development Property; that there are no unrecorded interests in the property being platted; and that the Developer will indemnify and hold the City harmless for any breach of the of the foregoing covenants. After the Developer has completed the Improvements required of it under this Agreement, at the Developer's request the City will execute and deliver a Release of this Agreement in recordable form.
- I. The Developer will be required to conduct all major activities to construct the Improvements during the following hours of operation:

Monday - Friday	7:00 A.M. until 7:00 P.M.
Saturday	8:00 A.M. until 5:00 P.M.
Sunday and Holidays	Not Allowed

This does not apply to activities that are required on a 24-hour basis such as dewatering, etc. Any deviations from the above hours are subject to approval of the City Engineer. Violations of the working hours will result in a \$500 fine per occurrence in accordance with Paragraph I of this section.

- J. The Developer shall be responsible for the control of weeds in excess of twelve inches (12") on vacant lots or boulevards within their development as per City Code 6-7-1. Failure to control weeds will be considered a Developer's Default as outlined in Paragraph 32 (Developer's Default) of this Agreement and the City may remove said weeds. If the City removes the weeds, Developer will reimburse the City as defined in said Paragraph 25 (Responsibility for Costs).
- K. The City agrees at any time, and from time to time, within ten (10) days after receipt of written request by the Developer, a lender or a party purchasing the property, to execute, acknowledge and deliver a certification in writing and in such form as will enable it to be recorded in the proper office for the recordation of deeds and other instruments certifying: (a) that this Agreement is unmodified and in full force and effect, or if there have been modifications, the identify of such modifications and that the same are in full force and effect as modified; (b) that no party is in default under any provisions of this Agreement or, if there has been a default, the nature of such default; (c) that all Improvements to be performed under this Agreement have been performed, specifying the Improvements to be performed; and (d) as to any other matter that the requesting party shall reasonably request. It is intended that any such statement may be relied upon by any person, prospective mortgagee of, or assignee of any mortgage, upon such interest. Any such statement on behalf of the City may be executed by the City Administrator without City Council approval.
- L. Indemnification. To the fullest extent permitted by law, Developer agrees to defend, indemnify and hold harmless the City, and its employees, officials, and agents from and against all claims, actions, damages, losses and expenses, including reasonable attorney's fees, arising out of Developer's negligence or its performance or failure to perform its obligations under this Contract. Developer's indemnification obligation shall apply to Developer's general contractor, subcontractor(s), or anyone directly or indirectly employed or hired by Developer, or anyone for whose acts Developer may be liable. Developer agrees this indemnity obligation shall survive the completion or termination of this Contract.
- M. The City will convey, by quit claim deed, to the Developer the portion of the City owned Property that is included as part of Lot 1, Block 1 of the Plat at time of recording of the Plat.
- N. All Improvements, except the final lift of asphalt, and utility connections shall be installed and connected prior to any issuance of Certificates of Occupancy.

\*\*\*\*\*

29. **Notices.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified or registered mail at the following addresses:

**Farmington Dushane Apartments, LLC  
Attn: Vishal Dutt  
1834 East 38<sup>th</sup> Street  
Minneapolis, MN 55407**

Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail or registered mail in care of the City Administrator at the following address:

**Lynn Gorski, City Administrator  
City of Farmington  
430 Third Street  
Farmington, MN 5502**

**[Signatures Appear on Next Page]**

**SIGNATURE PAGE  
FOR THE CITY**

**CITY:  
CITY OF FARMINGTON**

By: \_\_\_\_\_  
Joshua Hoyt, Mayor

By: \_\_\_\_\_  
Shirley R Buecksler, City Clerk

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF DAKOTA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by **Joshua Hoyt**, Mayor of the **City of Farmington**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF DAKOTA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by **Shirley R Buecksler**, City Clerk of the **City of Farmington**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

\_\_\_\_\_  
Notary Public

**SIGNATURE PAGE  
FOR THE DEVELOPER**

**DEVELOPER:  
FARMINGTON DUSHANE APARTMENTS, LLC**

By: Vishal Dutt  
Vishal Dutt, Owner

STATE OF MN )  
COUNTY OF HENNEPIN (ss.

The foregoing instrument was acknowledged before me this 25 day of JULY, 2024 by  
VISHAL DUTT, the OWNER of FARMINGTON DUSHANE APARTMENTS  
A COLORADO LLC, on its behalf.

Joe Markusson  
Notary Public



DRAFTED BY:  
CITY OF FARMINGTON  
430 Third Street  
Farmington, MN 55024  
Telephone: (651) 280-6800

**LEGAL DESCRIPTION**

**Development Property:**

That part of OUTLOT C, VERMILLION RIVER CROSSINGS, Dakota County, Minnesota, which lies southerly and easterly of the following described line;

Commencing at the northeast corner of said OUTLOT C; thence on an assumed bearing of South, along the east line of said OUTLOT C for 402.76 feet to the point of beginning of the line to be described; thence West for 320.00 feet; thence South for 540.07 feet to the south line of said OUTLOT C and said line there terminating.

**City Property:**

OUTLOT J, VERMILLION RIVER CROSSINGS, Dakota County, Minnesota

**Development Contract Calculations  
Vermillion River Crossings Third Addition**

**Exhibit B  
Development Contract**

**Acerages for Platting Calculations**

<b>Total Platted Area:</b>			8.19 AC	Land Use Type
ROW within project boundary:	4.48 AC			ROW
Multi Family Area:	3.71 AC			R-HD
Commercial Area:	0.00 AC			COMM
Steep Slope:	0.00 AC			Steep Slope
Outlot A:	0.00 AC			NA
Outlot B:	0.00 AC			NA
<b>Total Development Fee Acreage*:</b>			<b>8.19 AC</b>	
<b>Total by Land Use Type</b>				
R-LD	0.00 AC			
R-HD	3.71 AC			
Comm/I/I	0.00 AC			
ROW	4.48 AC			
Pond	0.00 AC			
Wetland/Floodplain	0.00 AC			
County ROW	0.00 AC			
Park	0.00 AC			
<b>Current Phase Development Fee Acreage:</b>			<b>8.19 AC</b>	All other Development Fees
<b>Number of Units (Preliminary Plat)</b>		<b>168</b>		
<b>Number of Units (Final Plat)</b>		<b>168</b>		
<b>Area of new bituminous</b>		<b>676 Sq.Yds.</b>		All Streets

**Development Contract Calculations  
Vermillion River Crossings Third Addition**

**Exhibit B  
Development Contract**

**Platting Fee Calculations** Based on 2024 Fee Schedule

<b>Surface Water Quality Management Fee</b>		
Residential, high density	\$ 120 per acre	\$445
Comm./Industrial/Institutional	\$ 246 per acre	\$0
		<b>\$445</b>

<b>Surface Water Management Fee</b>		
Residential, low density	\$ 12,744 per acre	\$0
Residential, high density	\$ 21,169 per acre	\$78,537
Comm./Industrial/Institutional	\$ 25,484 per acre	\$0
		<b>\$78,537</b>

<b>Watermain Trunk Area Charge</b>		
All Land Use Types	\$4,990 per acre	<b>\$40,868</b>

<b>Sanitary Sewer Trunk Area Charge</b>		
All Land Use Types	\$ 2,675 per acre	<b>\$21,908</b>

<b>Park Dedication</b>		
Dwelling units/acre (Preliminary Plat)	20.51	
Percentage of land to be dedicated as Park	16.25%	
Required Park Land w/ Final Plat	1.33 AC	
Dedicated Park Land	0.00 AC	
Balance paid as Cash in Lieu	1.33 AC	
Appraisal Value/Acre	\$120,724 per acre	<b>\$160,563</b>

<b>Park Development Fee</b>		
Park Development Fee per acre of required parkland	\$ - per acre	
Total Park Development Fee for preliminary plat	\$ -	<b>\$0</b>

<b>Sealcoating</b>		
Bituminous Seal Coating	\$ 1.63 per square yard	<b>\$1,102</b>

<b>Development Contract Escrow</b>		
Construction Cost	\$106,990	
Contract Administration	3% of Construction Cost	\$3,210
Construction Observation	5% of Construction Cost	\$5,349
SWPPP Compliance Escrow	\$ 25,000	\$25,000
		<b>\$33,559</b>

<b>Total of Fees Due upon Platting</b>		<b>\$336,982</b>
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**Oversizing Reimbursements / Construction Escrow Reimbursements**

Sanitary Sewer Trunk Oversizing		N/A
Watermain Trunk Oversizing		N/A

<b>Total Reimbursements Paid upon Proof of Plat Recording</b>		<b>\$0</b>
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**Development Contract Calculations  
 Vermillion River Crossings Third Addition**

**Exhibit B  
 Development Contract**

**Construction Security Calculations**

		<b>Construction Cost</b>	<b>Security Amount</b>
Grading /Erosion Control		\$20,234	\$25,293
Sanitary Sewer		\$14,378	\$17,973
Water Main		\$18,417	\$23,021
Storm Sewer		\$23,120	\$28,901
Street Construction		\$30,641	\$38,301
Monuments	\$200 per lot	\$200	\$250
Street Lights		\$0	\$0
Wetland Mitigation		N/A	N/A
	<b>Total Construction Cost</b>	<b>\$106,990</b>	
	<b>Total Security Amount</b>		<b>\$133,737</b>
	<b>SWPPP Compliance Escrow</b>		<b>(\$25,000)</b>
			<b>\$108,737</b>

**IRREVOCABLE LETTER OF CREDIT**

No. \_\_\_\_\_  
Date: \_\_\_\_\_

TO: City of Farmington  
430 Third Street  
Farmington, MN 55024

Dear Sir or Madam:

We hereby issue, for the account of       (Name of Developer)       and in your favor, our Irrevocable Letter of Credit in the amount of \$ \_\_\_\_\_, available to you by your draft drawn on sight on the undersigned bank.

The draft must:

- a) Bear the clause, "Drawn under Letter of Credit No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, of \_\_\_\_\_ (Name of Bank) \_\_\_\_\_";
- b) Be signed by the City Administrator or Finance Director of the City of Farmington.
- c) Be presented for payment at \_\_\_\_\_ (Address of Bank) \_\_\_\_\_ on or before 4:00 p.m. on November 30, 2\_\_\_\_.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Farmington City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: Farmington City Administrator, 430 Third Street, Farmington, MN 55024, and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 600.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

**[NAME OF BANK]**

By: \_\_\_\_\_ [name]  
Its: \_\_\_\_\_ [identify official]

(Reserved for Recording Data)

**QUIT CLAIM DEED**

STATE DEED TAX DUE HEREON: \$1.65

Dated: \_\_\_\_\_, 2024.

**FOR VALUABLE CONSIDERATION, CITY OF FARMINGTON**, a Minnesota municipal corporation, Grantor, hereby conveys and quitclaims to **FARMINGTON DUSHANE APARTMENTS LLC**, a Colorado limited liability company, Grantee, real property in Dakota County, Minnesota, described as follows:

Lot 1, Block 1, Vermillion River Crossings Third Addition, Dakota County, Minnesota.

together with all hereditaments and appurtenances belonging thereto.

The consideration for this transfer was less than \$3,000.00.

Check box if applicable:

- The Grantor certifies that the Grantor does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property has not changed since the last previously filed well disclosure certificate.

Check here if all or part of the described real property is Registered (Torrens)



Tax Statements for the real property described  
in this instrument should be sent to:  
Farmington Dushane Apartments LLC  
1834 E 38<sup>th</sup> Street  
Minneapolis, MN 55407

**DRAFTED BY:**  
**CAMPBELL KNUTSON**  
*Professional Association*  
Grand Oak Office Center I  
860 Blue Gentian Road, Suite 290  
Eagan, MN 55121  
651- 452-5000  
LCMK/mkl

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Kim Sommerland, Finance Director  
**Department:** Finance  
**Subject:** Payment of Claims  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

Attached is the list of check and electronic payments for the period of 07/10/2024-07/30/2024 for approval.

### DISCUSSION:

Not applicable

### BUDGET IMPACT:

Not applicable

### ACTION REQUESTED:

Approve payment of claims.

### ATTACHMENTS:

[Council Summary Payment of Claims 08-05-2024](#)

**CITY OF FARMINGTON  
SUMMARY PAYMENT OF CLAIMS  
August 5, 2024**

CLAIMS FOR APPROVAL 07/10/2024-7/30/2024

CHECK PAYMENTS	\$ 1,448,198.37
ELECTRONIC PAYMENTS	<u>\$ 506,664.24</u>
TOTAL	<u><u>\$ 1,954,862.61</u></u>

**The City Council receives a detail list of claims paid that is available to  
the public upon request.**



 430 Third St., Farmington, MN 55024  
 651-280-6800  
 FarmingtonMN.gov

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Julie Flaten, Asst City Admin/HR Director  
**Department:** HR  
**Subject:** Deputy Fire Chief Job Classification  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

Approve the job description and classification for the Deputy Fire Chief position.

### DISCUSSION:

The Deputy Fire Chief position has been updated to reflect changes in duties due to the new Fire Marshal position being added. The updated job description was sent to Gallagher Benefit services for placement on the City's compensation scale. Gallagher has recommended a C44 rating for this position.

### BUDGET IMPACT:

Wages are included in the 2024 budget.

### ACTION REQUESTED:

Approve the job description and classification for the Deputy Fire Chief position.

### ATTACHMENTS:

[Job Evaluation Memo Deputy Police Chief FINAL\\_073024](#)  
[Deputy Fire Chief Job Description](#)



**Gallagher**

Insurance | Risk Management | Consulting

## MEMORANDUM

**TO:** Julie Flaten, Human Resources, City of Farmington

**FROM:** Gallagher Benefit Services - Public Sector & Higher Education Practice

**DATE:** July 29, 2024

**SUBJECT:** Job Evaluation

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The following memo outlines our job analysis and recommendation for the **Deputy Fire Chief** position using the Decision Band Method®.

Gallagher reviewed the job description and/or Position Description Questionnaire (PDQ) to understand the essential duties of the role. In addition, we reviewed the org chart, other comparable job descriptions, and current classification hierarchy, to ensure internal equity was maintained. The evaluation results are included in this memo.

We appreciate the opportunity to assist the City of Farmington with its classification needs. If you have any questions or concerns, please feel free to contact Carissa Marto at [Carissa\\_Marto@ajg.com](mailto:Carissa_Marto@ajg.com) or Charmain Kohler at [Charmain\\_Kohler@ajg.com](mailto:Charmain_Kohler@ajg.com).

We look forward to assisting you again in the near future.

**Position: Deputy Fire Chief**

This position is currently rated C44.

**Position Summary:**

The Deputy Fire Chief assists the Fire Chief in planning, organizing and directing all Fire Department operations. This position also assumes the duties of the Chief in their absence.

**Position Analysis:**

We have examined the essential duties of this position and have evaluated the position using the Decision Band Method®. The job evaluation shows the following:

Highest Banded and Graded Task: **C4**  
Percent of Time on High Banded Tasks: **~90%**  
Degree of Difficulty/Diversity: **Moderate-High**

This position makes “interpretive” decisions. Interpretive decisions come from choosing the best decision out of a wide range of possible courses of action. The limits of this range are set by the program like policy budgets, division policy, or executive management.

The position receives a grade of four (4) because the incumbent is non-coordinating, meaning he/she does not directly supervise staff in band C.

We compared this position with similar positions in other departments such as Liquor Operations Manager. Overall, the position receives a subgrade of four (4) because of the moderate to high complexity and diversity of tasks in the C4 band and grade.

**Recommended rating:** Remain at C44.

**CITY OF FARMINGTON, MN  
CLASS SPECIFICATION**

**CLASS SPECIFICATION TITLE: Deputy FIRE CHIEF**

<u>BAND</u>	<u>GRADE</u>	<u>SUBGRADE</u>	<u>FLSA STATUS:</u>	
C	4	4	Exempt	
<b><u>CLASS SUMMARY:</u></b>				
This position assists the Fire Chief in planning, organizing and directing all Fire Department operations. This position is also responsible for assuming the duties of the Chief in the Chief's absence.				
<b><u>TYPICAL CLASS ESSENTIAL DUTIES:</u></b> (These duties are a representative sample; position assignments may vary.)			<b><u>FRE- QUENCY</u></b>	<b><u>BAND/ GRADE</u></b>
1.	Assists Fire Chief with administration duties of the department.		W-5%	
2.	Review, evaluate, and ensure the quality of work of the paid-on-call staff, or other assigned employees and recommend developmental steps.		D-5%	
3.	Respond to paged calls as appropriate.		As Req.	
4.	Responsible for assigned areas regarding equipment maintenance and repair.		M-5%	
5.	Assist with planning and directing department staffing and scheduling to ensure effective utilization of all personnel.		D-15%	
6.	Oversee department operations including training programs and establish minimum training standards and performance standards and safety practices.		D-20%	
7.	Oversee development and execution of continued community engagement.		A-5%	
8.	Management of records management systems and document retention.		D-10%	
9.	Recommend policies and procedures for Fire to ensure the highest level of quality responsive care in an effective manner.		A-5%	
10.	Communicate timely, accurate information to the Fire Chief and colleague departments to facilitate interdepartmental cooperation.		D-10%	
11.	Utilize technology to enhance the efficiency and effectiveness of service delivery of emergency management services to the public.		D-5%	
12.	Assist in the preparation of the department's annual budget and Capital Equipment Program.		A-5%	
13.	Assist with the development and implementation of a strategic plan for long-term departmental operations.		A-5%	
14.	Represent the Fire Department on committees and advisory boards both internally and externally.		M-5%	
15.	Attends Council meetings as necessary and appropriate		As Req.	
16.	Performs other duties of a similar nature or level.		As Req.	
<b><u>Training and Experience</u></b> (positions in this class typically require):				
Associate Degree in Fire Science, Business or Public Administration and 5 years experience in fire service and three years of supervisory experience or an equivalent combination of education and experience sufficient to successfully perform the duties listed above.				
<b><u>Licensing Requirements</u></b> (positions in this class typically require):				
Be a licensed firefighter in the State of Minnesota. Valid Minnesota Drivers License. Minnesota State certification for Firefighter II, Fire Instructor I, Fire Officer I, Hazardous Materials Operations Certification. Valid Minnesota Emergency Medical Responder/First Responder Certification or equivalent or be able to complete within one (1) year of employment. FEMA NIMS 100, 200, 700, and 800.				

**CITY OF FARMINGTON, MN  
CLASS SPECIFICATION**

**CLASS SPECIFICATION TITLE: Deputy FIRE CHIEF**

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**Knowledge** (position requirements at entry):

Knowledge of:

- Fire suppression, prevention and emergency rescue principles, procedures and techniques.
- First Aid
- applicable laws, ordinances, departmental standard operating guidelines and regulations
- Fire alarm systems
- Fire Equipment and Apparatus
- Management principles and practices
- Computers (Microsoft Office)

**Skills** (position requirements at entry):

Skill in:

- Supervision/management and staff development including the effective delegation of tasks and the ability to effectively manage performance.
- Demonstrated ability to develop positive working relationships and maintain a respectful work environment.
- Fire and Rescue
- Interpretation of the fire code
- Public education/presentation skills
- Communication, interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information and to receive work direction.
- Ability to maintain strict confidentiality.
- Ability to handle stress and/or stressful situations.

**Physical Requirements:**

Positions in this class typically require: climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, seeing and repetitive motions.

Medium Work: Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.

Heavy Work: Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of forces constantly to move objects.

Incumbents may be subjected to moving mechanical parts, electrical currents, vibrations, fumes, odors, dusts, gases, poor ventilation, chemicals, bio hazardous materials, oils, extreme temperatures, inadequate lighting, work space restrictions, intense noises and travel.

**NOTE:**

The above job description is intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department.

**Classification History:**

Draft prepared by City of Farmington  
Date: 1/2005, Rev, 11/2010, 07/2024

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Kellee Omlid, Parks & Recreation Director  
**Department:** Parks & Recreation  
**Subject:** Declaring Items as Surplus and Authorizing Disposal (Playground Equipment)  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The Parks and Recreation Department is requesting the authorization to dispose of the Playworld castle playground equipment at Rambling River Park.

### DISCUSSION:

New playground equipment was recently installed at Rambling River Park where the tennis courts used to be. Thus, the castle playground equipment should be removed and disposed of.

Staff explored moving the castle playground equipment to Meadowview Park, but the equipment at Meadowview Park is in better condition. In addition, Staff had discussions with three different entities about them removing the playground equipment and the City transferring the playground equipment to them under set terms and conditions. The parties discovered the cost of disassembling, transporting, and reassembling is close to the cost of purchasing something newer and in better condition. Thus, Parks Maintenance Staff will disassemble the playground equipment to dispose of. The plastic will be disposed of, and the metal will be scrapped.

### BUDGET IMPACT:

The metal from the playground equipment will be scrapped with proceeds to be placed in the Park Improvement Fund.

### ACTION REQUESTED:

Adopt Resolution 2024-68 Declaring Items as Surplus and Authorizing Disposal.

### ATTACHMENTS:

[2024-68 Declaring Items as Surplus and Authorizing Disposal \(Playground Equipment\)](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-68**

**A RESOLUTION DECLARING ITEMS AS SURPLUS  
AND AUTHORIZING DISPOSAL**

**WHEREAS**, the Parks and Recreation Department is requesting authorization to dispose of the following playground equipment that is no longer needed and to dispose of the playground equipment at salvage:

Playworld Castle Playground Equipment

**NOW, THEREFORE, BE IT RESOLVED**, that Mayor Hoyt and the Farmington City Council declare the items listed above as surplus and authorize its disposal with any proceeds to be placed in the Park Improvement Fund.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Kellee Omlid, Parks & Recreation Director  
**Department:** Parks & Recreation  
**Subject:** Donations for Movies and Music in the Park  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The Parks and Recreation Department hosts Movies and Music in the Park. Sponsorships from area businesses help offset the costs of providing equipment and technicians for Movies in the Park and musicians for Music in the Park.

### DISCUSSION:

Movies and Music in the Park are held annually from May through September. Two movies will be shown including Shrek on July 26 and Wonka on September 7. Music in the Park is held the last Wednesday of the month at Rambling River Park. The events are free to attend.

The cost for the outdoor movie services and musicians is mostly funded through generous donations from sponsors. Movies and Music in the Park would not be possible without the generous donations from the sponsors. Sponsorships for 2024 include:

Castle Rock Bank	\$1,000
ChemQuest	\$600
Farmington Youth Hockey Association	\$1,000
Premier Banks	\$300
The Legacy	\$300
VFW Post #7662	\$1,000

In addition, Marschall Line attends all six events (two movies and four concerts) with a bus to tour, facepainting, and popcorn. The value of the donation Marschall Line is providing is \$3,000.

Staff will communicate the City's appreciation on behalf of the City Council to Castle Rock Bank, ChemQuest, Farmington Youth Hockey Association, Marschall Line, Premier Banks, The Legacy, and VFW Post #7662 for these generous donations.

### ACTION REQUESTED:

Adopt Resolution 2024-67 Accepting Donations to the Parks and Recreation Department for Movies and Music in the Park - from Castle Rock Bank, ChemQuest, Farmington Youth Hockey Association, Marschall Line, Premier Banks, The Legacy, and VFW Post #7662 to the Parks and

Recreation Department for Movies and Music in the Park.

**ATTACHMENTS:**

[2024-67 Accepting Donations for Movies and Music in the Park](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-67**

**A RESOLUTION ACCEPTING DONATIONS TO  
THE PARKS AND RECREATION DEPARTMENT  
FOR MOVIES AND MUSIC IN THE PARK**

**WHEREAS**, the City of Farmington is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens and is specifically authorized to accept gifts, as allowed by law; and

**WHEREAS**, the following persons and entities have offered to contribute to the City:

**Castle Rock Bank** has donated \$1,000; and,  
**ChemQuest** has donated \$600; and,  
**Farmington Youth Hockey Association** has donated \$1,000; and,  
**Marschall Line** has brought a bus to tour and provided free face painting and popcorn valued at \$3,000; and,  
**Premier Banks** has donated \$300; and,  
**The Legacy** has donated \$300; and,  
**VFW Post #7662** has donated \$1,000; and,

**WHEREAS**, it is in the best interest of the City to accept these donations.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor Hoyt and the Farmington City Council hereby accept with gratitude the generous donations for the Parks and Recreation Department's Movies and Music in the Park.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Jim Constantineau, Deputy Police Chief  
**Department:** Police  
**Subject:** Resolution Declaring Surplus Property  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The Police Department is requesting the authorization to dispose of a vehicle.

### DISCUSSION:

One of our squads is no longer in service and has been replaced. It is a 2020 Ford Explorer.

### BUDGET IMPACT:

The proceeds of the sale will be used to fund the Police Department Leasing Plan.

### ACTION REQUESTED:

Adopt Resolution 2024-65 Declaring Items as Surplus and Authorizing Disposal.

### ATTACHMENTS:

[2024-65 Declaring Property Surplus - Police Vehicles](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-65**

**A RESOLUTION DECLARING ITEMS AS SURPLUS  
AND AUTHORIZING DISPOSAL**

**WHEREAS**, the Police Department is requesting authorization to dispose of the following vehicle that is no longer in use and is requesting to dispose of the vehicles by sale at auction with funds being deposited into the Vehicle Equipment Fund:

2020 Ford Explorer  
VIN: 1FMSK8DH7LGA92619

**NOW, THEREFORE, BE IT RESOLVED** by the Farmington City Council that the above listed items are declared surplus and authorize their disposal with any proceeds to be placed into the Vehicle Equipment Fund.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** John Powell, Public Works Director  
**Department:** Engineering  
**Subject:** Final Acceptance of Public Streets and Utilities and Release of Securities - Vita Attiva at South Creek Third Addition  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

CC Vita Attiva, LLC has requested final acceptance of streets and utilities and release of the related securities within the Vita Attiva at South Creek Third Addition.

### DISCUSSION:

The grading, sanitary sewer, water, storm sewer, and street work in the Third Addition is substantially complete consistent with the city's construction standards, and the requirements of the Development Contract have been met. The City has received the attached certification letter from the developer's engineer that the improvements were built in accordance with the approved plans and specifications.

City Staff has completed multiple site visits during the construction. Staff has confirmed the improvements have been completed, most recently the bituminous wearing course paving. However, as noted previously, the pond area contained within Outlot E of the First Addition will not be fully accepted until the final stage of construction has been completed. It may need to be cleaned out due to construction sediment during construction of future additions.

The Development Contract requires maintenance bonds to be posted during the warranty period. The warranty period for the streets is one year; the warranty period for the underground utilities is two years.

### BUDGET IMPACT:

The City currently holds Letter of Credit No. 1186 in the amount of \$141,486. The maintenance bond will be in place before the letter is issued to the bank releasing the Letter of Credit for the Third Addition.

### ACTION REQUESTED:

Approve the Final Acceptance of Public Streets and Utilities and Release of Securities - Vita Attiva at South Creek Third Addition.

### ATTACHMENTS:

[Certification Letter Probe Engineering Vita Attiva at South Creek Third 072924 Vita Attiva at South Creek Third Addition plat](#)



July 29, 2024

John Powell, PE  
City Engineer  
City of Farmington  
430 Third Street  
Farmington, MN 55024

Dear Mr. Powell,

All work called for within the plans and specifications for Vita Attiva at South Creek Third Addition as prepared by this office has been satisfactorily completed. This is your notice for the final certification that the work meets the approved city standards. Project records will be kept on file for a period of two years from the acceptance date.

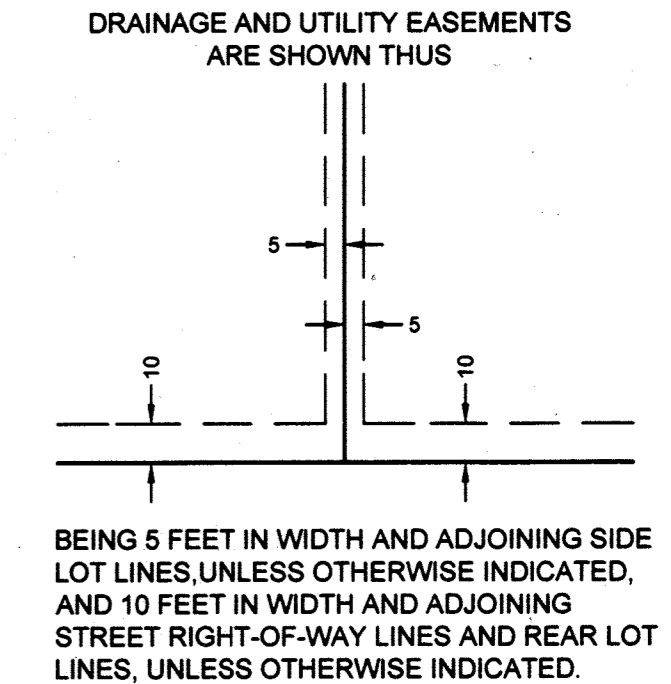
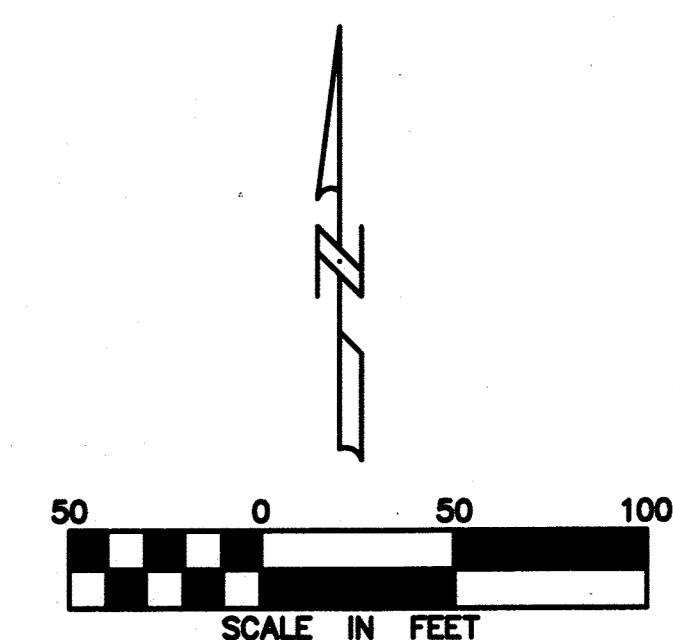
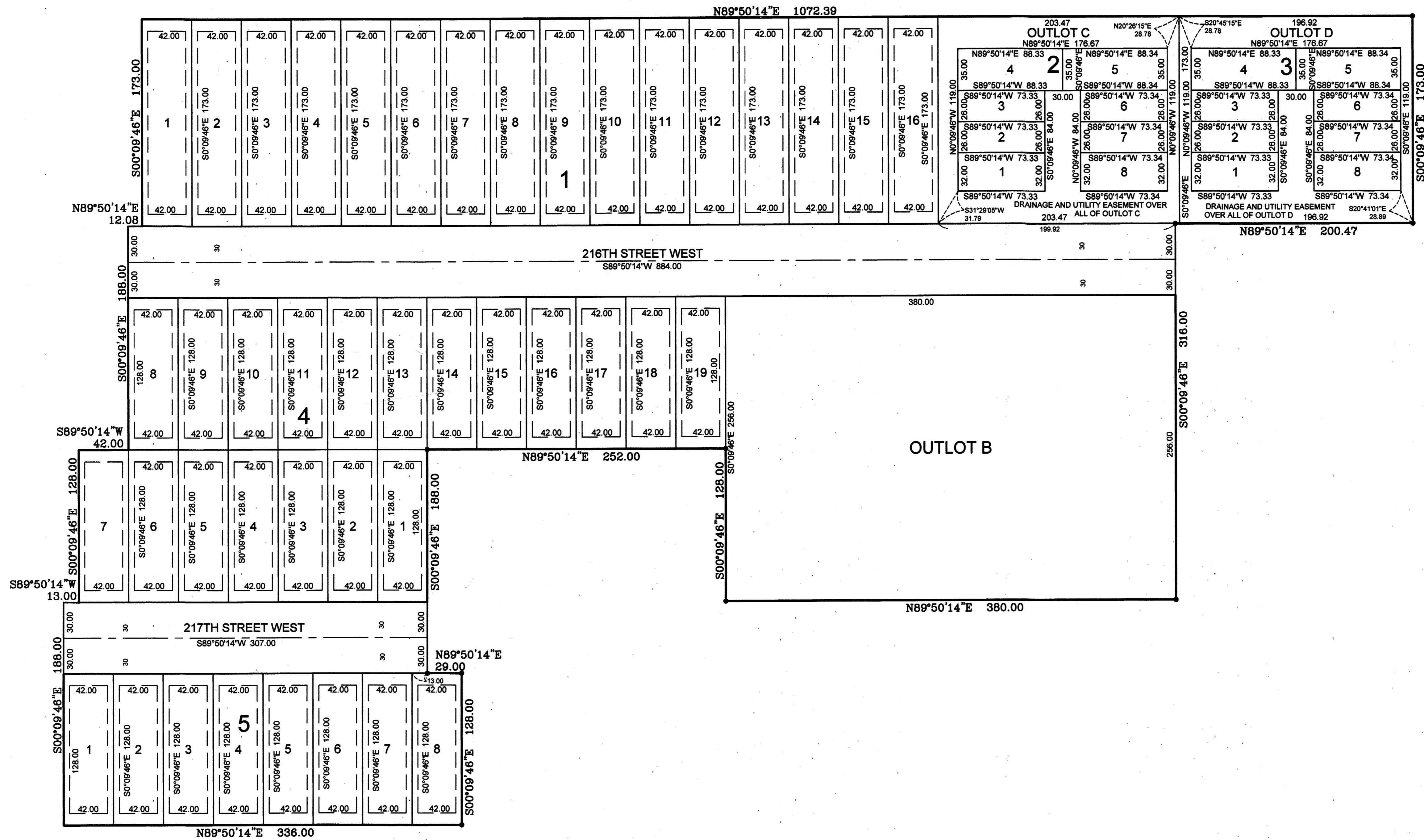
Sincerely,



Joe Maurer, P.E.  
Probe Engineering Co., Inc.

# VITA ATTIVA AT SOUTH CREEK THIRD ADDITION

## INSET



BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES, UNLESS OTHERWISE INDICATED, AND 10 FEET IN WIDTH AND ADJOINING STREET RIGHT-OF-WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED.

NO MONUMENT SYMBOL SHOWN ON THE PLAT INDICATES 1/2 INCH BY 14 INCH IRON MONUMENT TO BE SET WITHIN 1 YEAR OF RECORDING THIS PLAT, MARKED BY LICENSE NUMBER 19086.

- DENOTES 1/2" BY 14" IRON MONUMENT SET MARKED BY LICENSE NUMBER 19086, UNLESS OTHERWISE SHOWN.
- DENOTES 1/2" IRON MONUMENT FOUND, MARKED BY LICENSE NO. 45332, UNLESS OTHERWISE SHOWN.

SPLATIVE-144

2013

SAFCO PRODUCTS • NEW HOPE, MINNESOTA  
REGISTERED PROFESSIONAL SURVEYOR  
LICENSE NUMBER 19086  
RECORDED BY  
DATE

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** John Powell, Public Works Director  
**Department:** Engineering  
**Subject:** Receive Bids and Award a Contract for the 2024 Mill & Overlay  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The 2024 Mill & Overlay work areas are shown on the attached sheets and includes the following street segments:

- Upper 182nd Street from CSAH 31 (Pilot Knob Road) to Dunbury Avenue.
- Euclid Street/Path from Upper 182nd Street to Englewood Way.
- Embry Avenue from Echo Lane to Embers Avenue.
- Embers Avenue from 195th Street to Dunbury Avenue.
- 208th Street from Edmonton Avenue to east end.
- Eaton Avenue from 208th Street to 530 feet south.
- 213th Street from TH 3 to Cambodia Avenue.
- 9th Street from TH 3 to Spruce Street.
- Spruce Street from TH 3 to 10th Street.

To avoid damaging the new bituminous wearing course surface, the boulevard ash trees on these segments have already been removed.

### DISCUSSION:

An advertisement for bids was posted in the Dakota County Tribune on July 19 and 26, 2024 and on the QuestCDN website. Bids were opened at 10:00 a.m. on July 31, 2024.

Six (6) bids were received. The low bidder is McNamara Contracting of Rosemount, in the amount of \$541,050. The Engineer's Estimate of Construction Costs for the project is \$714,650. McNamara Contracting has successfully completed many similar projects in the past. A complete tabulation of bids is attached and is summarized below:

<u>Contractor</u>	<u>Bid Amount</u>
McNamara Contracting	\$541,050.00
GMH Asphalt Corp.	\$583,527.00
Minnesota Paving & Materials	\$599,883.50
S.M. Hentges & Sons, Inc.	\$608,225.00
Bituminous Roadways Inc.	\$693,113.90
FPI Paving Contractors, Inc.	\$707,585.00

**BUDGET IMPACT:**

Funding for this project, as identified in the approved 2024-2028 Capital Improvement Plan included the following:

Street Maintenance Fund	\$ 880,000
Sewer Fund	\$ 40,000
Storm Water Fund	\$ 40,000
Water Fund	\$ 40,000
Total	\$ 1,000,000

The low bid is approximately 24.3 percent below the Engineer's Estimate of Construction Costs. Likely reasons for this include extending the completion date into October and the fact that no utility or concrete subcontractors are required to complete the project, both of which provide more flexibility for scheduling the work.

Public improvement contracts are based on estimated quantities of materials and work types; the final contract amount can vary (increase or decrease) from the original amount. Additionally, construction issues arise which require an immediate decision and cannot wait for the next City Council meeting for formal approval. For these reasons, Staff is also requesting approval of a change order contingency of \$54,000 (about 10% of the contract) be established as an aggregate of all change order increases with a maximum amount of \$20,000 allowed for any single change order increase without prior City Council approval. Other cities have taken this approach as a matter of practice for many years, with Farmington more recently.

As the City has received very competitive pricing, once the contract is awarded, Staff will contact the low bidder to determine if they have capacity to complete additional work at the bid prices. If so, Staff will bring a change order to City Council for your consideration identifying the additional work locations and the new proposed contract amount. In no case would the new contract amount cause the Street Maintenance Fund amount to increase or exceed the change amount allowed under municipal bidding requirements.

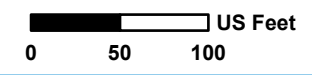
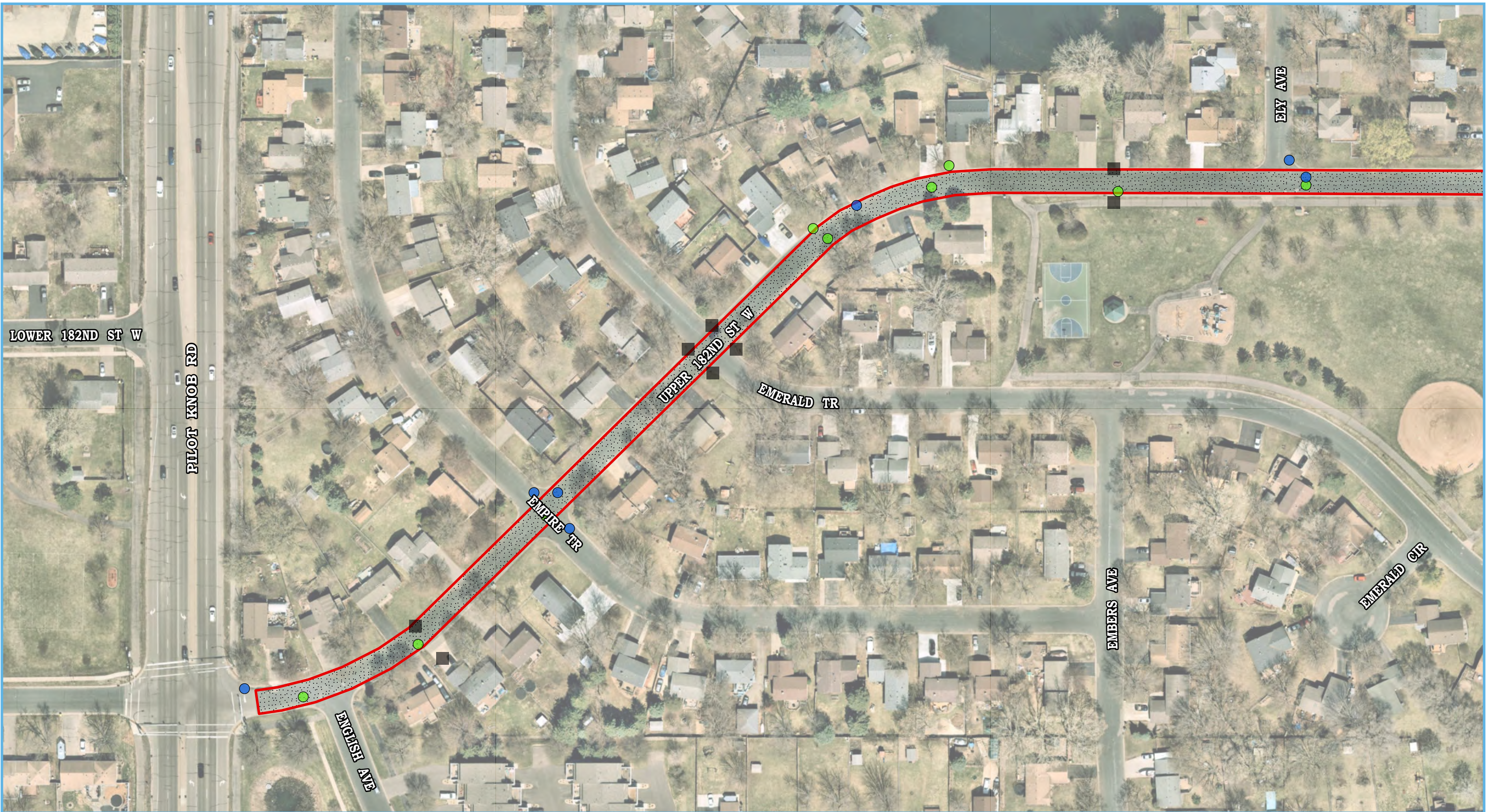
**ACTION REQUESTED:**

Staff recommends acceptance of the bids and award of a contract for construction of the 2024 Mill & Overlay project to McNamara Contracting of Rosemount in the amount of their bid \$541,050 and authorize the Mayor and City Clerk to execute the same. This includes approval of a change order contingency of \$54,000 (about 10% of the contract) be established as an aggregate of all change order increases, with a maximum amount of \$20,000 allowed for any single change order increase without prior City Council approval.

**ATTACHMENTS:**

[2024 M&O Plans](#)

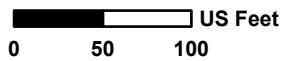
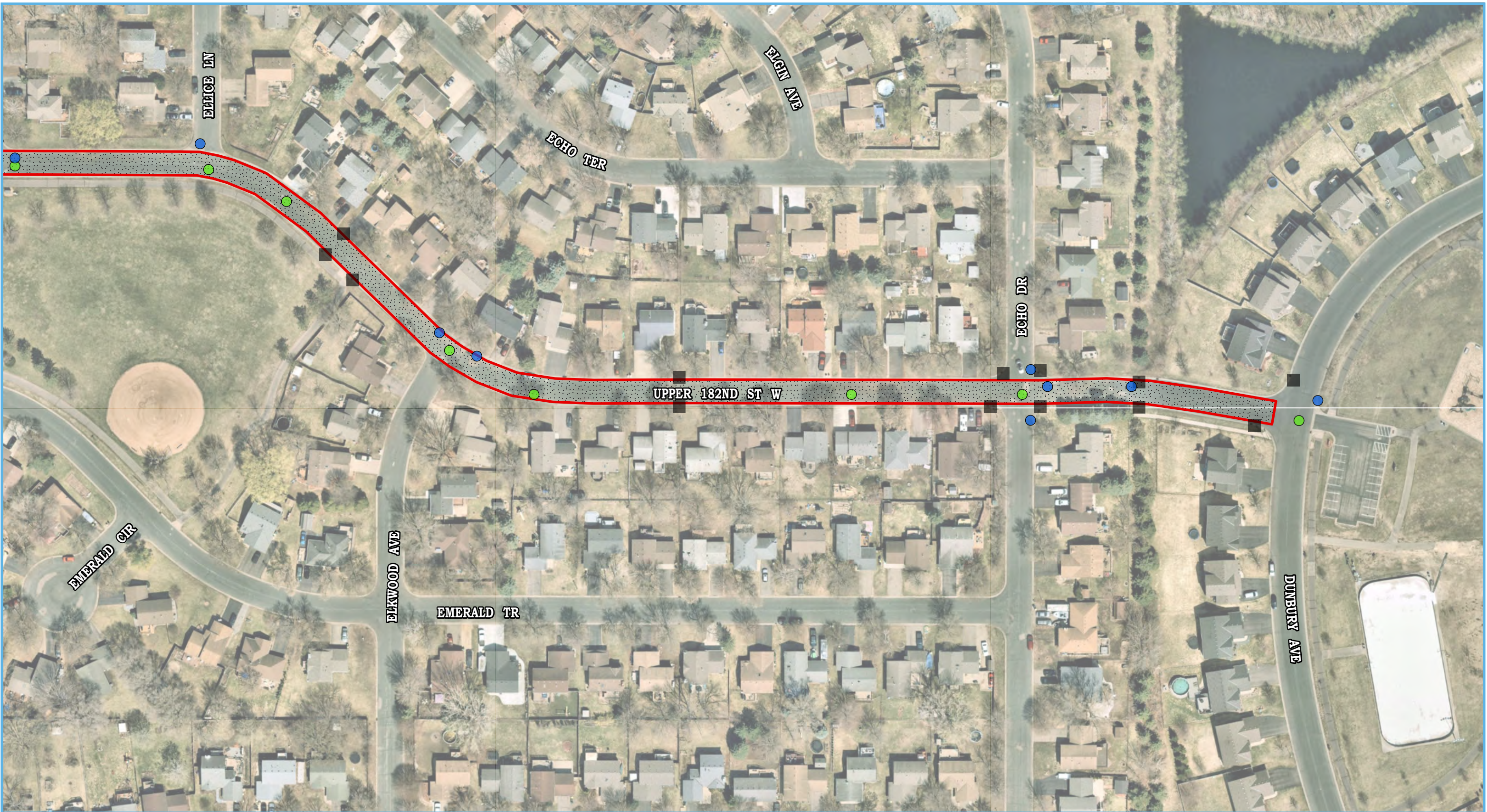
[2024 Mill & Overlay Bid Tabulation](#)



# Sheet 1

## 2024 Mill and Overlay Segments

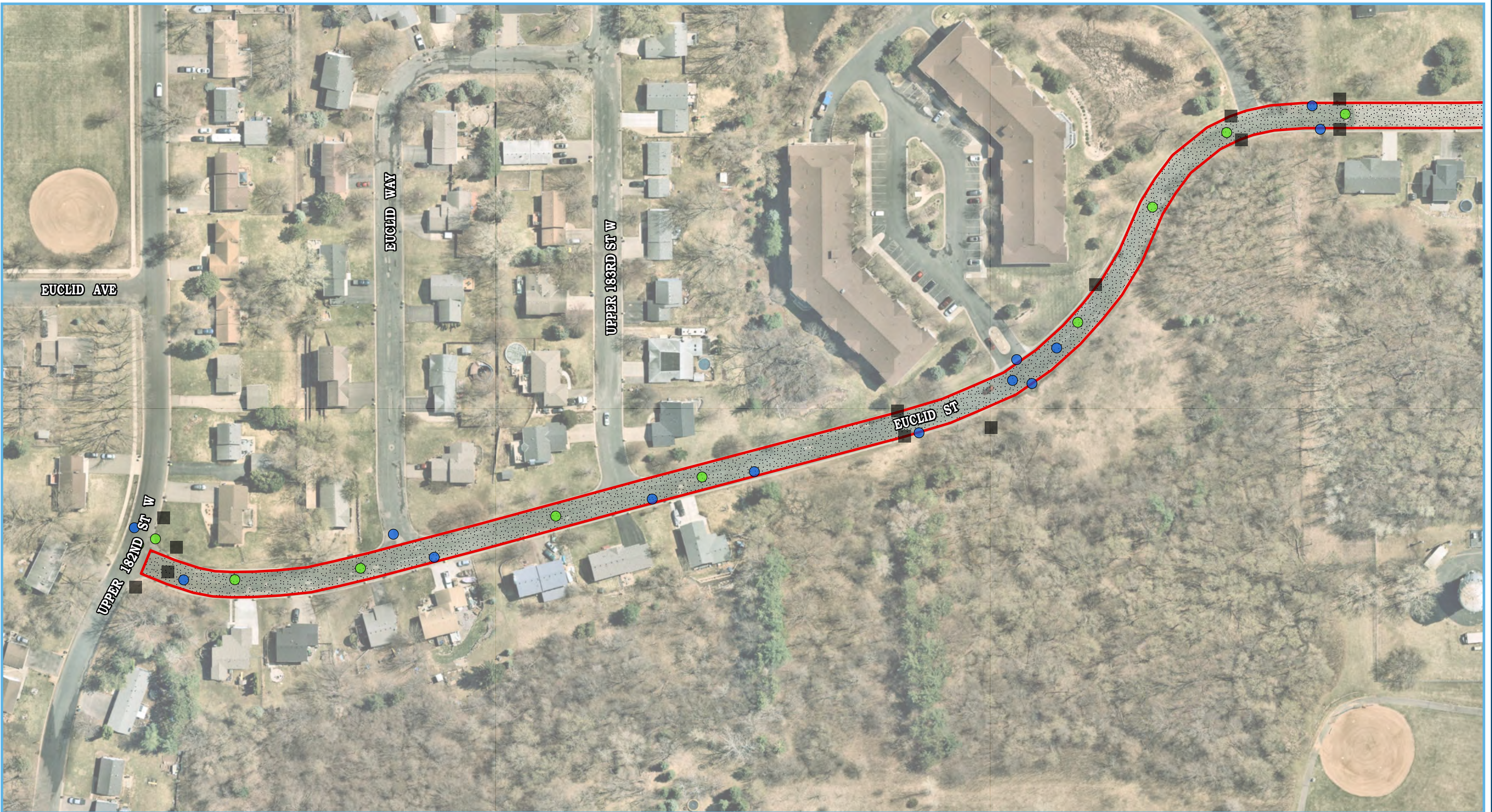
- Mill & Overlay Segment
- Manhole
- Catch Basin
- Gate Valve



## Sheet 2





### 2024 Mill and Overlay Segments

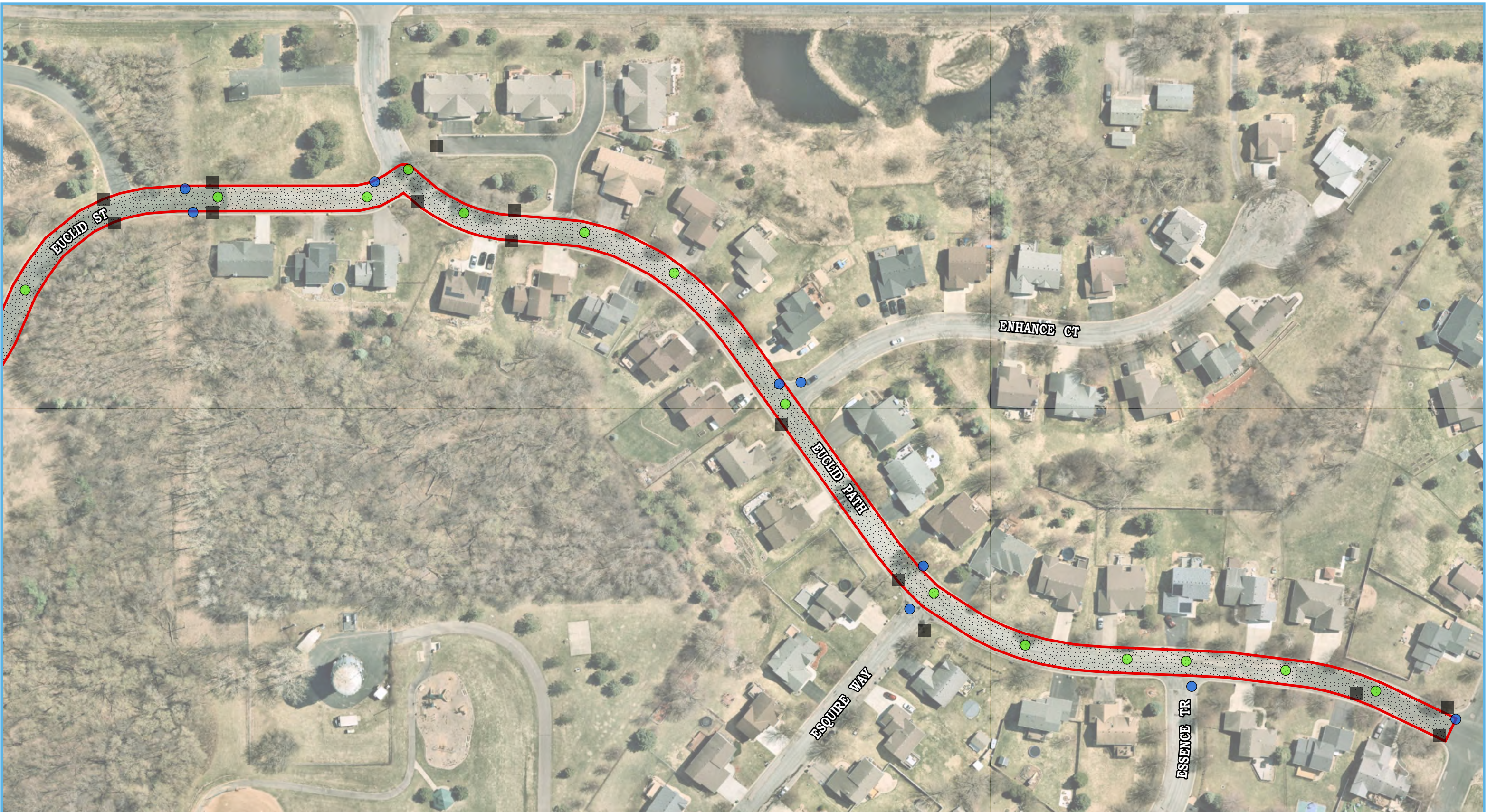
- ▨ Mill & Overlay Segment
- Manhole
- Catch Basin
- Gate Valve



# Sheet 3





## 2024 Mill and Overlay Segments

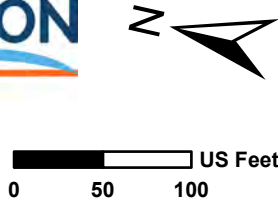
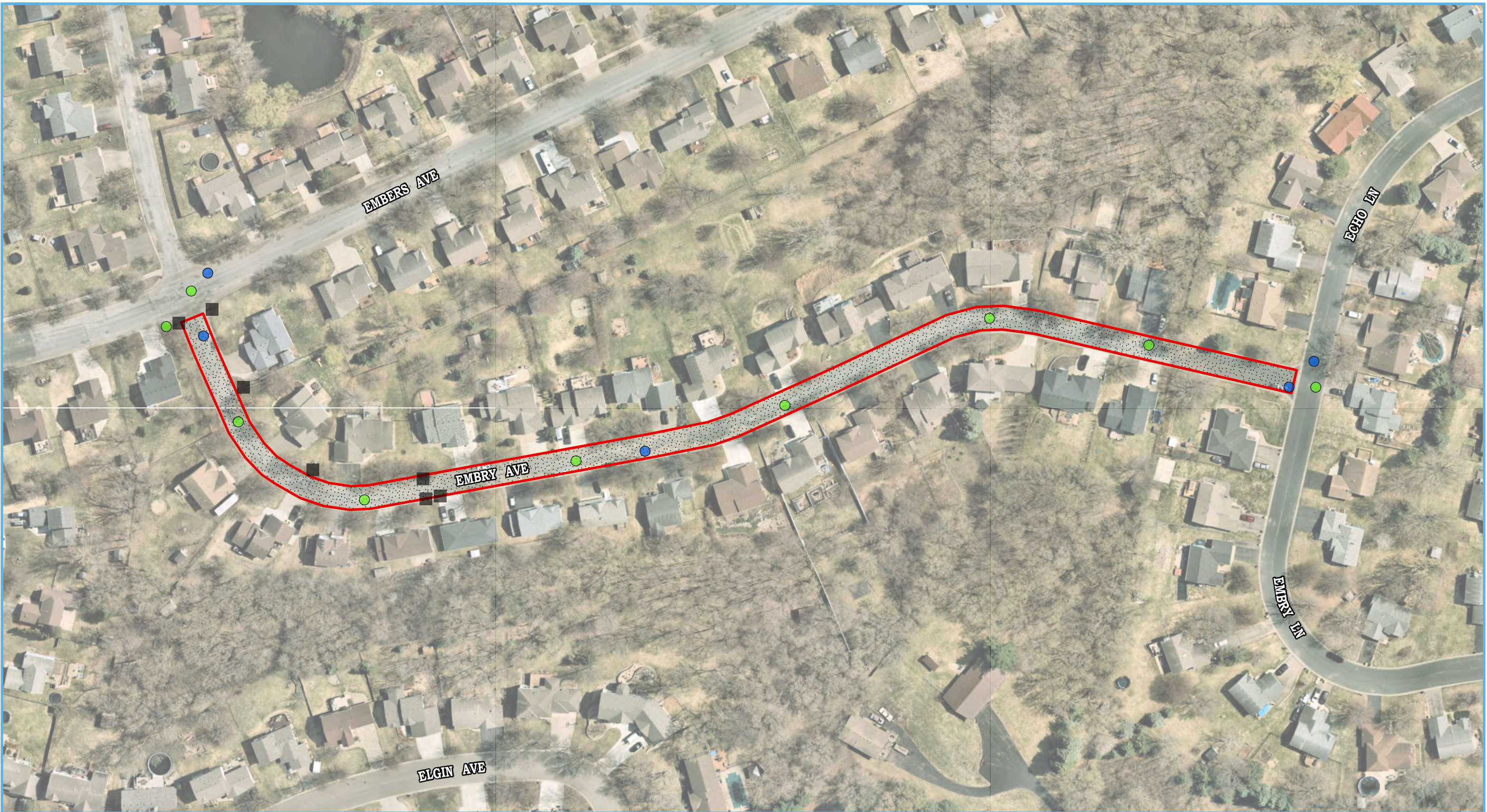
-  Mill & Overlay Segment
-  Catch Basin
-  Manhole
-  Gate Valve



## Sheet 4

### 2024 Mill and Overlay Segments

-  Mill & Overlay Segment
-  Manhole
-  Catch Basin
-  Gate Valve



## Sheet 5

### 2024 Mill and Overlay Segments

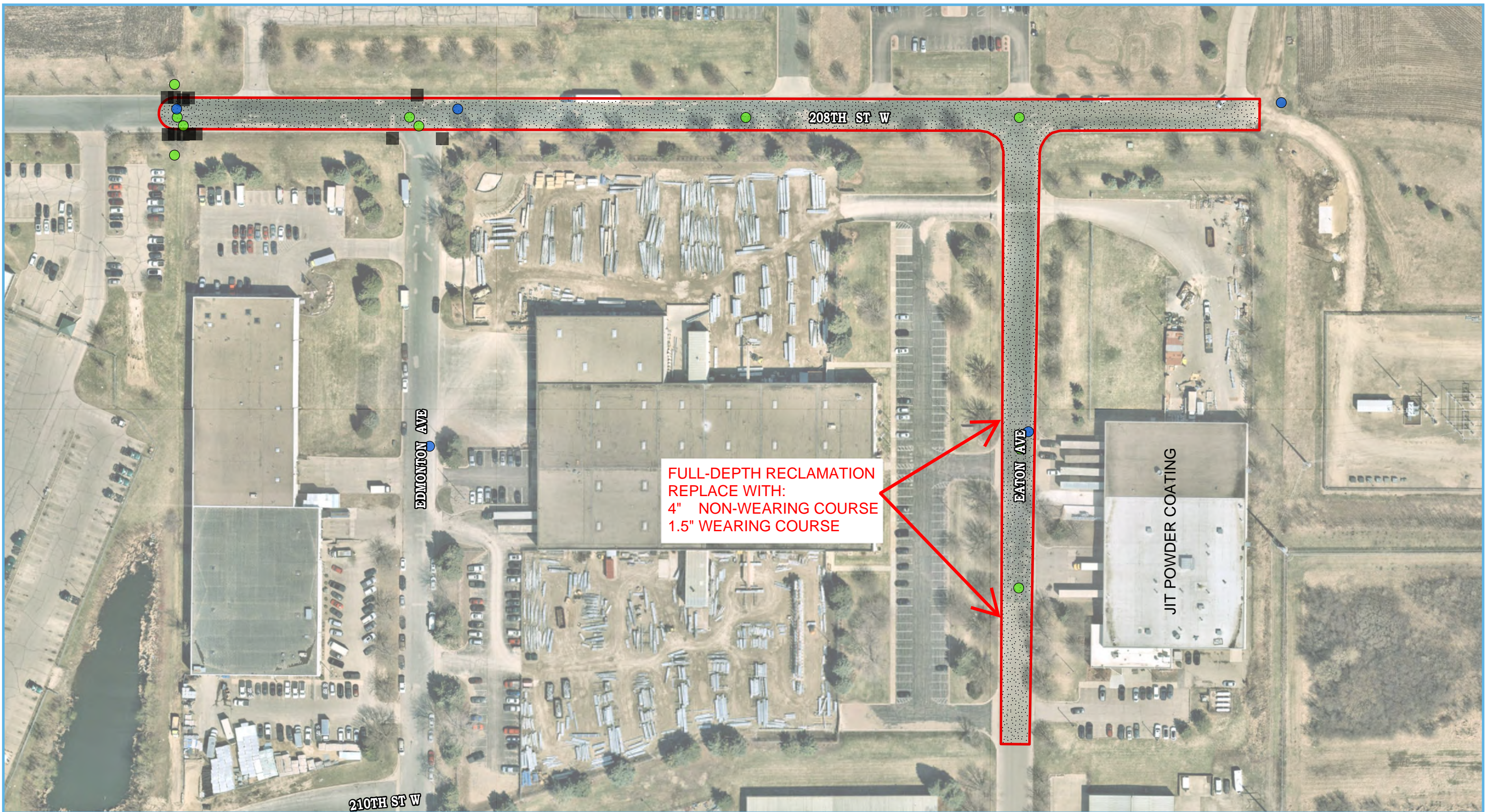
- ..... Mill & Overlay Segment
- Manhole
- Catch Basin
- Gate Valve



## Sheet 6

### 2024 Mill and Overlay Segments

- ..... Mill & Overlay Segment
- Catch Basin
- Manhole
- Gate Valve



FULL-DEPTH RECLAMATION  
 REPLACE WITH:  
 4" NON-WEARING COURSE  
 1.5" WEARING COURSE

- ..... Mill & Overlay Segment
- Catch Basin
- Manhole
- Gate Valve



W FRONTAGE RD TH 3

T.H. 3

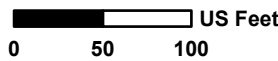
ELM ST

213TH ST W

CSAH 50 ELM ST







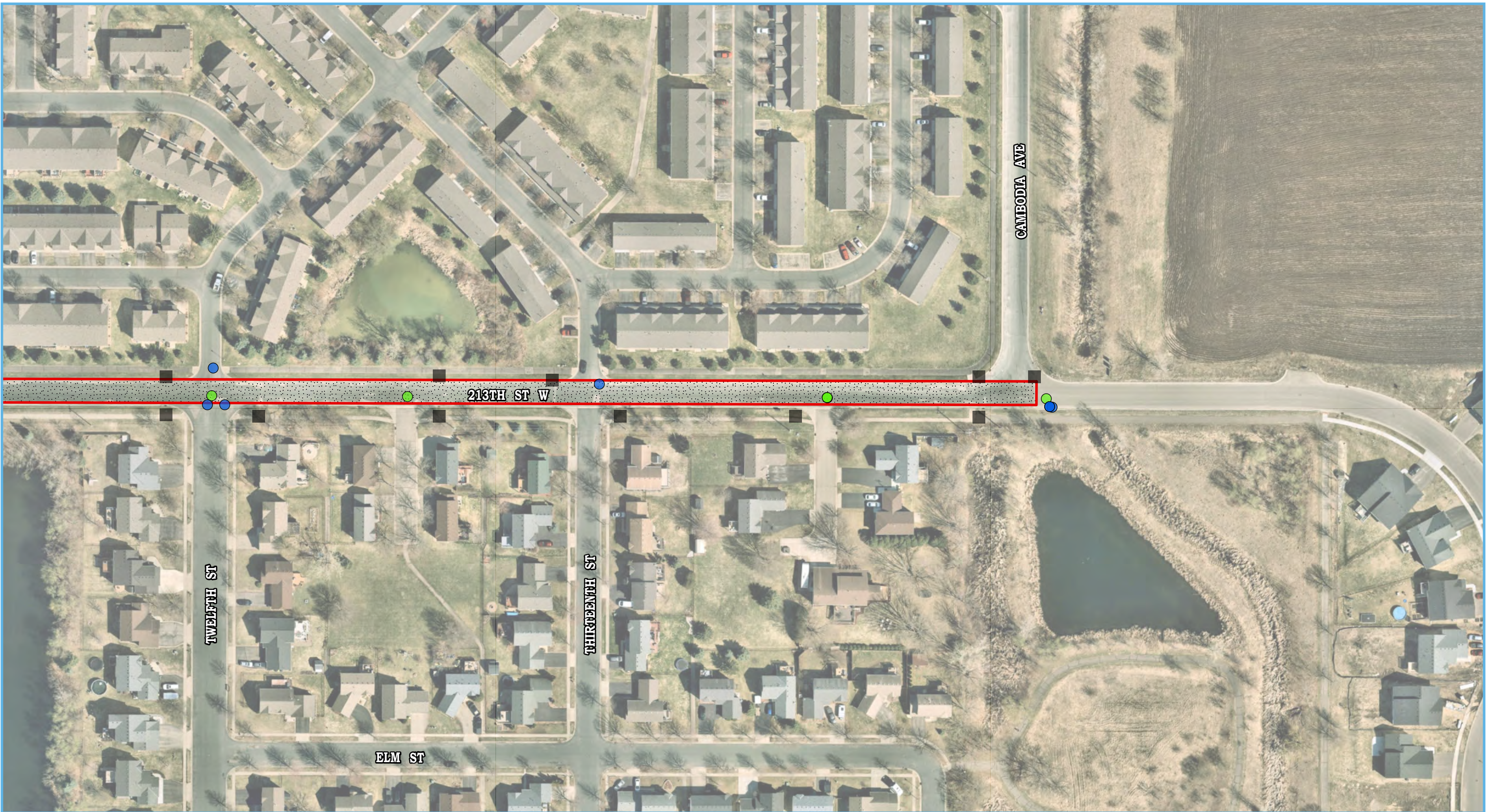
Prepared By:  
City of Farmington  
Engineering Department  
Date: 3/11/2024



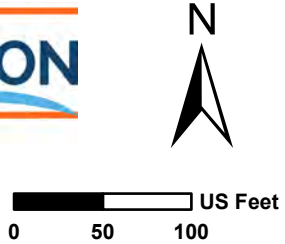
# Sheet 8

## 2024 Mill and Overlay Segments

-  Mill & Overlay Segment
-  Manhole
-  Catch Basin
-  Gate Valve



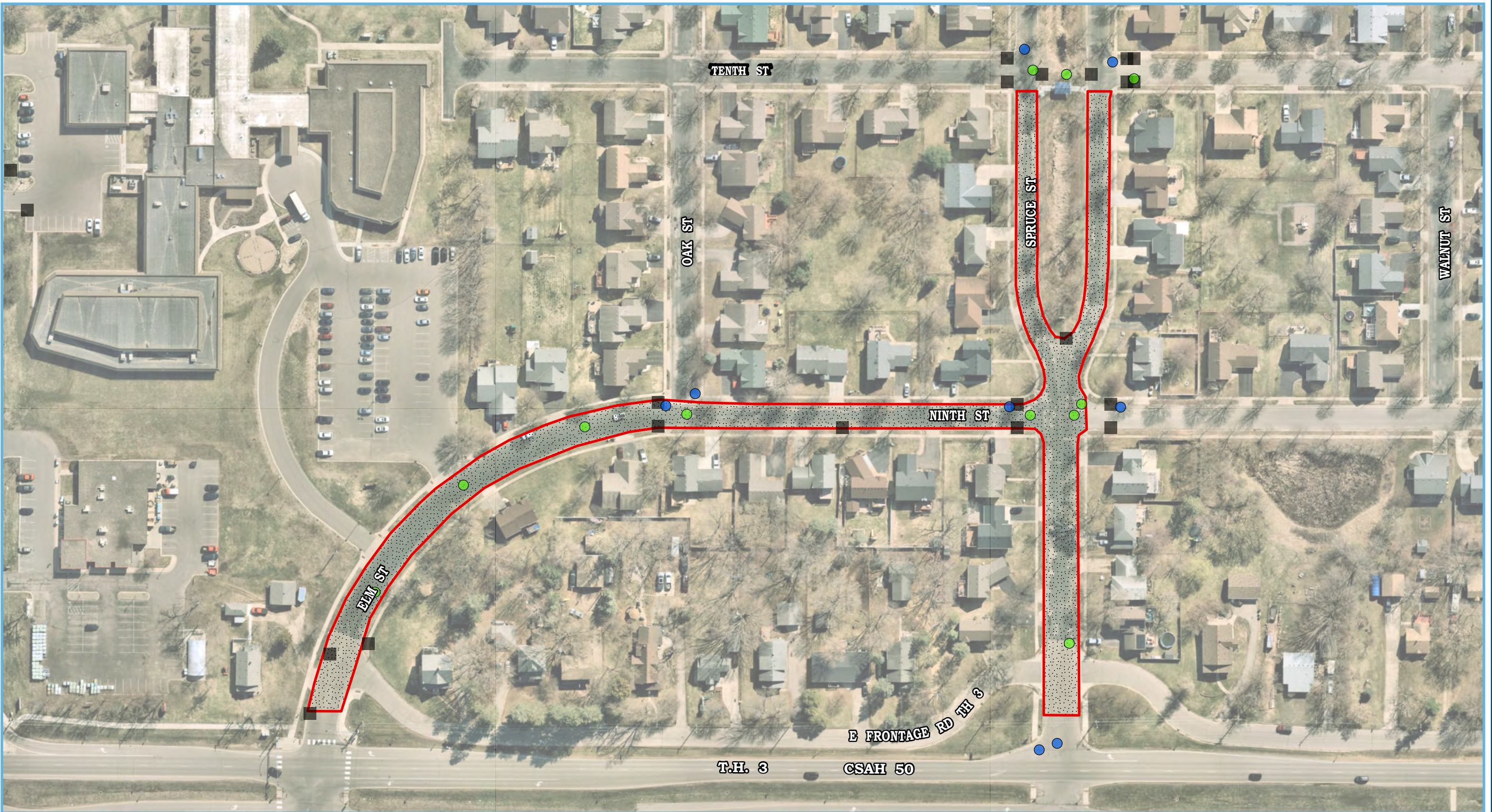
Prepared By:  
City of Farmington  
Engineering Department  
Date: 3/11/2024



# Sheet 9

## 2024 Mill and Overlay Segments

- Mill & Overlay Segment
- Manhole
- Catch Basin
- Gate Valve



# Sheet 10

## 2024 Mill and Overlay Segments

- Mill & Overlay Segment
- Manhole
- Catch Basin
- Gate Valve

CITY OF FARMINGTON PROJECT 24-02  
 2024 MILL & OVERLAY  
 BID TABULATION

	UNIT	QTY	MCNAMARA CONTRACTING		GMH ASPHALT CORP.		MINNESOTA PAVING & MATERIALS		
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	
2021.501	MOBILIZATION	LUMP SUM	1	\$ 23,000.00	\$ 23,000.00	\$ 31,000.00	\$ 31,000.00	\$ 37,000.00	\$ 37,000.00
2215.504	FULL DEPTH RECLAMATION	SQ YD	1300	\$ 12.00	\$ 15,600.00	\$ 8.50	\$ 11,050.00	\$ 8.70	\$ 11,310.00
2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	55600	\$ 1.50	\$ 83,400.00	\$ 1.08	\$ 60,048.00	\$ 1.65	\$ 91,740.00
2357.506	BITUMINOUSMATERIAL FOR TACK COAT	GA	3350	\$ 1.00	\$ 3,350.00	\$ 3.50	\$ 11,725.00	\$ 0.01	\$ 33.50
2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	TON	5400	\$ 70.00	\$ 378,000.00	\$ 80.80	\$ 436,320.00	\$ 77.00	\$ 415,800.00
2360.509	TYPE SP 12.5 NON-WEARING COURSE MIXTURE (3,C)	TON	320	\$ 85.00	\$ 27,200.00	\$ 76.20	\$ 24,384.00	\$ 100.00	\$ 32,000.00
2563.601	TRAFFIC CONTROL	LUMP SUM	1	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
2573.502	STORM DRAIN INLET PROTECTION	EACH	40	\$ 125.00	\$ 5,000.00	\$ 100.00	\$ 4,000.00	\$ 175.00	\$ 7,000.00
				\$ 541,050.00		\$ 583,527.00		\$ 599,883.50	

	UNIT	QTY	S.M. HENTGES & SONS, INC.		BITUMINOUS ROADWAYS INC.		FPI PAVING CONTRACTORS, INC.		
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	
2021.501	MOBILIZATION	LUMP SUM	1	\$ 26,000.00	\$ 26,000.00	\$ 50,000.00	\$ 50,000.00	\$ 22,000.00	\$ 22,000.00
2215.504	FULL DEPTH RECLAMATION	SQ YD	1300	\$ 7.00	\$ 9,100.00	\$ 9.00	\$ 11,700.00	\$ 10.50	\$ 13,650.00
2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	55600	\$ 1.25	\$ 69,500.00	\$ 1.75	\$ 97,300.00	\$ 2.00	\$ 111,200.00
2357.506	BITUMINOUSMATERIAL FOR TACK COAT	GA	3350	\$ 3.50	\$ 11,725.00	\$ 0.01	\$ 33.50	\$ 3.50	\$ 11,725.00
2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	TON	5400	\$ 84.50	\$ 456,300.00	\$ 89.00	\$ 480,600.00	\$ 93.00	\$ 502,200.00
2360.509	TYPE SP 12.5 NON-WEARING COURSE MIXTURE (3,C)	TON	320	\$ 80.00	\$ 25,600.00	\$ 89.00	\$ 28,480.00	\$ 83.00	\$ 26,560.00
2563.601	TRAFFIC CONTROL	LUMP SUM	1	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00	\$ 5,250.00	\$ 5,250.00
2573.502	STORM DRAIN INLET PROTECTION	EACH	40	\$ 125.00	\$ 5,000.00	\$ 0.01	\$ 0.40	\$ 375.00	\$ 15,000.00
				\$ 608,225.00		\$ 693,113.90		\$ 707,585.00	

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** John Powell, Public Works Director  
**Department:** Engineering  
**Subject:** Resolution Declaring Surplus Equipment-Public Works  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

Public Works is requesting authorization to dispose of several items that can no longer be used.

### DISCUSSION:

A complete listing of the items proposed to be declared surplus, and the reason why, is provided below:

- 2000 Wacker roller; equipment has been replaced
- 1997 Chevrolet pickup truck; vehicle has been replaced
- 2001 Sterling Vector; equipment has been replaced
  - Transmission jack; no longer needed
  - Wheel lift jack; no longer needed
- JAMAR Technologies data recorders (five); no longer used, traffic counts are outsourced
  - Ulrich plan holder file; no longer needed for plan storage
  - SAFCO plan hanging file; no longer needed for plan storage

Staff proposes to put these items up for auction or dispose of them via direct sale.

### BUDGET IMPACT:

None; any proceeds received will be forwarded to the Finance Department.

### ACTION REQUESTED:

Adopt Resolution 2024-69 Declaring Items as Surplus and Authorizing Disposal.

### ATTACHMENTS:

[Resolution 2024-69 Declaring Property Surplus - Public Works](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-69**

**A RESOLUTION DECLARING ITEMS AS SURPLUS  
AND AUTHORIZING DISPOSAL**

**WHEREAS**, the Public Works Department is requesting authorization to dispose of the following equipment that is no longer in use due to the condition and usefulness of the equipment and is requesting to dispose of the equipment via auction or sale:

2000 Wacker roller  
1997 Chevrolet pickup truck  
2001 Sterling Vactor  
Transmission jack  
Wheel lift jack  
JAMAR Technologies data recorders (five)  
Ulrich plan holder file  
SAFCO plan hanging file

**NOW, THEREFORE, BE IT RESOLVED** by the Farmington City Council that the above listed items are declared surplus and authorize its disposal.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

## REGULAR COUNCIL AGENDA MEMO

**To:** Mayor, Councilmembers and City Administrator  
**From:** Tony Wippler, Planning Manager  
**Department:** Community Development  
**Subject:** Vacation of Drainage and Utility Easement within Vermillion River Crossings Plat  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

The City of Farmington is wishing to vacate certain drainage and utility easements on the property located at the northwest intersection of Dushane Parkway and Spruce Street in the Vermillion River Crossings development.

### DISCUSSION:

Yellow Tree Development is proposing to construct a 168 – unit apartment building on a portion of the property legally described as Oulot C Vermillion River Crossings. Council recently approved the Vermillion River Crossings Third Addition plat which replats a portion of aforementioned outlot along with a section of right-of-way from the Dushane Parkway square-a-bout. Due to the replat certain drainage and utility easements must be vacated. With the Third Addition plat new drainage and utility easements will be dedicated.

Per State Statute §412.851, the City Council must conduct a public hearing regarding the proposed vacation after published and posted notice of said vacation.

### BUDGET IMPACT:

Not applicable

### ACTION REQUESTED:

After any public comment is taken, close the public hearing regarding the vacation of the drainage and utility easement and adopt Resolution No. 2024-70 Vacating Existing Drainage and Utility Easement Vermillion River Crossings.

### ATTACHMENTS:

[2024-70 Vacating Easements Vermillion River Crossings Plat](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-70**

**A RESOLUTION VACATING EXISTING  
DRAINAGE AND UTILITY EASEMENTS WITHIN  
THE VERMILLION RIVER CROSSINGS PLAT**

**WHEREAS**, Outlot C VERMILLION RIVER CROSSINGS is encumbered with drainage and utility easements; and

**WHEREAS**, the City of Farmington (“City”) has received application for the Vermillion River Crossings Third Addition which replats the southeast portion of Outlot C VERMILLION RIVER CROSSINGS into a buildable lot; and

**WHEREAS**, a conditional use permit was granted by the City’s Planning Commission on May 14, 2024 to construct a 168-unit apartment building in the southeast portion of Outlot C VERMILLION RIVER CROSSINGS; and

**WHEREAS**, new drainage and utility easements will be dedicated with the VERMILLION RIVER CROSSINGS THIRD ADDITION plat; and

**WHEREAS**, it appears that it is in the public interest to vacate the drainage and utility easements as legally described and depicted in Exhibit “A;” and

**WHEREAS**, pursuant to Minnesota Statutes Section 412.851, the Farmington City Council has conducted a public hearing preceded by published and posted notice to consider the easement vacations.

**NOW, THEREFORE, BE IT RESOLVED**, that Farmington Mayor and City Council hereby:

1. Vacate the drainage and utility easements legally described and depicted in the attached Exhibit “A.”
2. Direct the City Clerk to file a certified copy of this resolution with the County Auditor and County Recorder in and for Dakota County, Minnesota.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

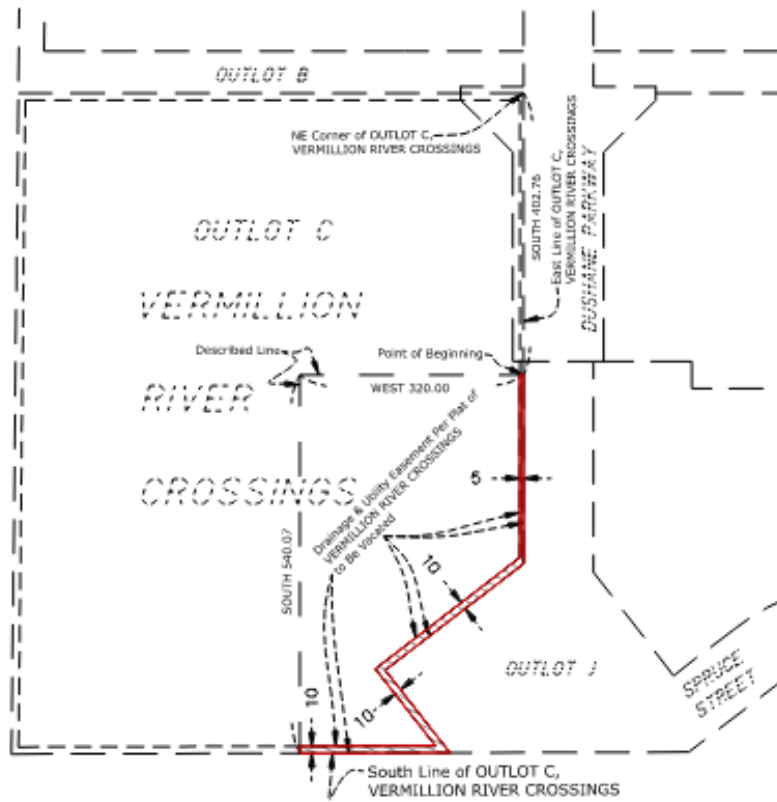
### Exhibit "A" – Legal Description and Depiction

#### Drainage and Utility Easement Vacation Exhibit Part of OUTLOT C, VERMILLION RIVER CROSSINGS Farmington, Dakota County, Minnesota

##### DESCRIPTION

All those drainage and utility easements as dedicated in the recorded plat of VERMILLION RIVER CROSSINGS, Dakota County, Minnesota, that lie within the following described property:

That part of OUTLOT C, said VERMILLION RIVER CROSSINGS, which lies southerly and easterly of the following described line:  
Commencing at the northeast corner of said OUTLOT C; thence on an assumed bearing of South, along the east line of said OUTLOT C for 402.76 feet to the point of beginning of the line to be described; thence West for 320.00 feet; thence South for 540.07 feet to the south line of said OUTLOT C and said line there terminating.



##### MINNESOTA CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 8th day of July, 2024

Rory L. Synstelen  
Minnesota License No. 44965



SCALE IN FEET



5000 GLENWOOD AVENUE  
GOLDEN VALLEY, MN 55422  
CivilSiteGroup.com

Drawn By: CJ  
Project No. 23423 SHEET 1 OF 1

## REGULAR COUNCIL AGENDA MEMO

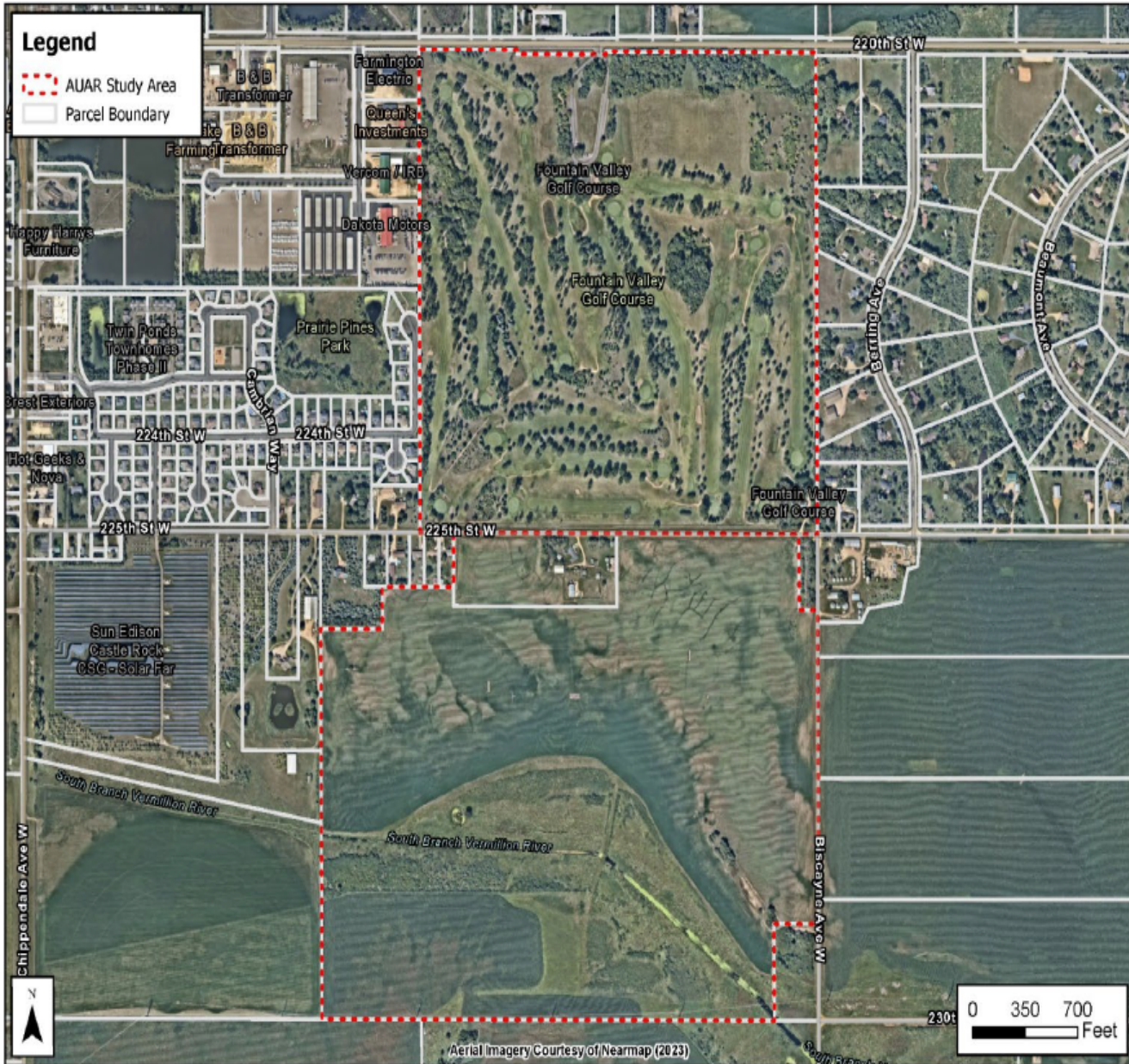
**To:** Mayor, Councilmembers and City Administrator  
**From:** Deanna Kuennen, Community & Economic Development Director  
**Department:** Community Development  
**Subject:** Resolution 2024-71 Adopting a Final Order and Record of Decision for an Alternative Urban Areawide Review (AUAR) for the Farmington Technology Park Project  
**Meeting:** Regular Council - Aug 05 2024

### INTRODUCTION:

Minnesota Rules 4410 authorize the Responsible Unit of Government (RGU) to use the Alternative Urban Areawide Review (AUAR) process to review the potential environmental impacts associated with anticipated development projects in geographically defined areas. The process and requirements for the AUAR are specifically identified, including timelines associated with the various steps. The Farmington Technology Park encompasses 347 areas located on the north and south side of 255th Street West. In June, an AUAR Scoping Document was published in the Minnesota Environmental Quality Board (EQB) Monitor for this site/project. The 30-day comment period expired, three (3) governmental and regional agencies and one (1) public comment were received, and the next step associated with the Farmington Technology Park AUAR is for the RGU to determine that the AUAR is the appropriate environmental review document and order that an AUAR be prepared.

### DISCUSSION:

An AUAR is a planning tool to understand how different development scenarios will affect the environment before the development occurs. Minnesota Rule 4410 specifically identifies when a review is required, who manages the process, what topics are covered in the review, and what happens following adoption of an AUAR. An AUAR is being developed for an area encompassing approximately 347 acres, including three (3) parcels, located along the north and south side of 255th Street West in Farmington. The area is being studied to understand the potential impacts associated with developing the existing golf course and agricultural land into a data center use or a combination of residential and commercial space - and to identify mitigation measures to compensate for those impacts.



An AUAR Scoping Document was prepared for this site for the two development scenarios, was reviewed and distributed to required state and federal agencies, and a notice of availability of the AUAR Scoping Document was published in the EQB Monitor for the required 30-day comment period which ended on July 11, 2024. During this time comments were received by three (3) governmental and regional agencies and one (1) comment was received from a member of the public. All comments are included in the attached document. The purpose of the comment period is for the agencies to suggest additional development scenarios and relevant issues be analyzed in the review.

The next step is for the RGU to make a finding on the adequacy of the Scoping Document and adopt the Final Order. These actions will determine that the AUAR is the appropriate environmental review and order that the AUAR and mitigation plan be prepared as identified. Once the RGU adopts the order they prepare the AUAR, the next steps include:

1. The AUAR is developed.
2. RGU reviews and distributes Draft AUAR and Mitigation Plan for public and agency review

for the mandatory 30-day review period.

3. RGU revises Draft AUAR and Mitigation Plan as necessary based on comments from public and agencies.
4. RGU distributes Final AUAR and Mitigation Plan to agencies and the Met-Council for final 10-day review period.
5. If no objections, RGU Adopts Final AUAR and Mitigation Plan.
6. RGU updates the AUAR every 5-years until development build-out is complete.

**BUDGET IMPACT:**

Not applicable

**ACTION REQUESTED:**

As the RGU, the City Council is asked to consider Resolution 2024-71 Adopting a Final Order and Record of Decision for an Alternative Urban Areawide Review (AUAR) for the Farmington Technology Park Project.

**ATTACHMENTS:**

[Resolution 2024-71 Adopting Final Order for AUAR for Farmington Technology Park Project](#)  
[Final Order for Farmington Tech Park AUAR 7-31-2024](#)

**CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-71**

**A RESOLUTION ADOPTING A FINAL ORDER AND RECORD OF DECISION  
FOR AN ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR)  
FOR THE FARMINGTON TECHNOLOGY PARK PROJECT**

**WHEREAS**, in accordance with the laws of the State of Minnesota, namely Minnesota Rules 4410.3610 Subpart 1, a local unit of government may use the Alternative Urban Areawide Review (AUAR) instead of the Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) to review anticipated residential, commercial, warehousing, and light industrial development and associated infrastructure in a particular geographic area within its jurisdiction; and

**WHEREAS**, the Farmington Technology Park (Project) property is located on approximately 347 acres, on three parcels located along the north and south side of 255<sup>th</sup> Street West, in Farmington, Dakota County, Minnesota; and

**WHEREAS**, the Project is required to provide a Scoping Document as an additional procedure to the review process in accordance with Minnesota Rules 4410.3610 Subpart 5a; and

**WHEREAS**, the AUAR Scoping Document was prepared for the Project and reviewed by the City of Farmington (“City”) and distributed to required state and federal agencies for the required 30-day comment; and

**WHEREAS**, a notice of availability of the AUAR Scoping Document was published in the EQB Monitor on June 11, 2024 and the 30-day comment period expired July 11, 2024; and during such, comments from three governmental and regional agencies and one public comment were received; and

**WHEREAS**, the City, as the Responsible Government Unit, is required to make a finding on the adequacy of the Scoping Document and to adopt the Final Order; and

**WHEREAS**, the City considered the AUAR Scoping Document and comments received from the agencies.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of Farmington, Minnesota, that the City of Farmington has determined that the AUAR is the appropriate environmental review document and orders that an AUAR be prepared for the Project.

Adopted by the City Council of the City of Farmington, Minnesota, this 5<sup>th</sup> day of August 2024.

ATTEST:

\_\_\_\_\_  
Joshua Hoyt, Mayor

\_\_\_\_\_  
Shirley R Buecksler, City Clerk

**TO:** Interested Parties (Including Minnesota Environmental Quality Board Distribution List)

**FROM:** Tony Wippler  
Planning Manager  
City of Farmington

**DATE:** August 5, 2024

**SUBJECT:** Final Order for the Farmington Technology Park Alternative Urban Areawide Review (AUAR)

As the Responsible Governmental Unit (RGU), the City of Farmington has determined that an Alternative Urban Areawide Review (AUAR) is required for the proposed Farmington Technology Park. The project is proposed by Tract Management, LP.

The notice of availability of the Draft AUAR Order and Scoping Document was published in the Minnesota Environmental Quality Board's *EQB Monitor* on June 11, 2024. The Scoping Document, included as Attachment A, was available for review and comment as part of the AUAR process as described in Minnesota Rules, part 4410.3610, subpart 5a. The 30-day comment period began on June 11, 2024 and closed at 4:00 PM on July 11, 2024.

During the public comment period, comments were received from three government and regional agencies. One public comment was received. The comment letters received are included in Attachment B.

Pursuant to Minnesota Rules, part 4410.3610, subpart 5a(C), the purpose of the comments on a Scoping Document for an AUAR is to suggest additional development scenarios and relevant issues to be analyzed in the review. Comments may suggest alternatives to the specific large project or projects proposed to be included in the review, including development at sites outside of the proposed geographic boundary. The comments must provide reasons why a suggested development scenario or alternative to a specific project is potentially environmentally superior to those identified in the RGU's draft order. Responses to the comments received are included in Attachment B.

The study area and development scenarios to be evaluated in the AUAR are described below.

#### AUAR Study Area

The AUAR study area encompasses approximately 347 acres, including 3 parent parcels, located on the north and south side of 255<sup>th</sup> St W, in Farmington, Dakota County, Minnesota (see Figure 1).

#### Development Scenarios

Two development scenarios are proposed for evaluation in the AUAR as outlined in Table 1 and shown in Figure 2 and 3. A minor change has been made to the development scenarios to the Park/Open Space category of the development scenarios. The minor change is clarification for Scenario 1. Scenario 1 is anticipating a natural buffer and natural areas within the parcels; however, it will not be dedicated parks and open space.

**Table 1: AUAR Development Scenario**

Component	Scenario 1	Scenario 2
Industrial	2.53 million sq ft	-
Residential Units	-	675 units
Highway Business	-	100,000 sq ft
Park/Open Space	-	17.0 acres

**Figure 1: AUAR Study Area**

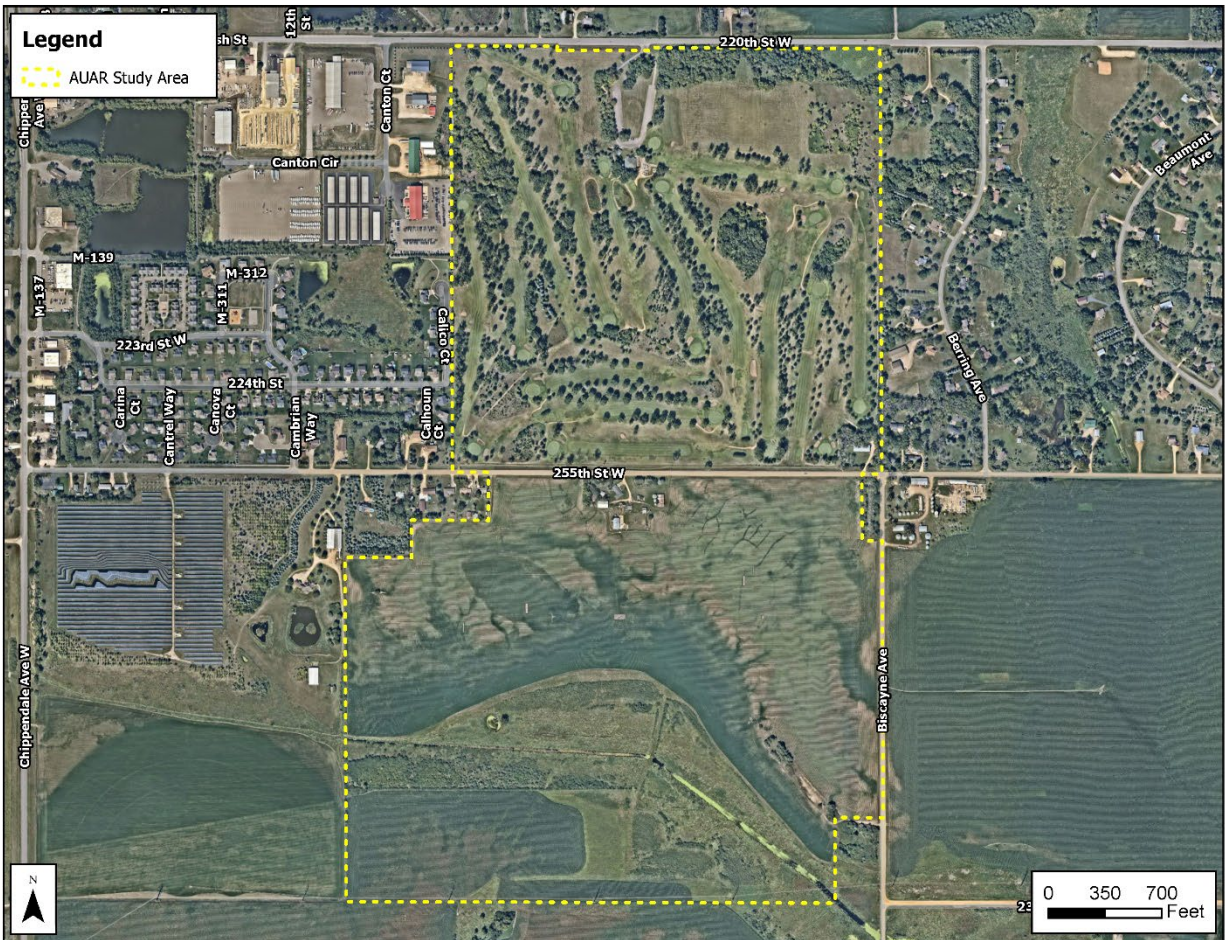


Figure 2: AUAR Scenario 1

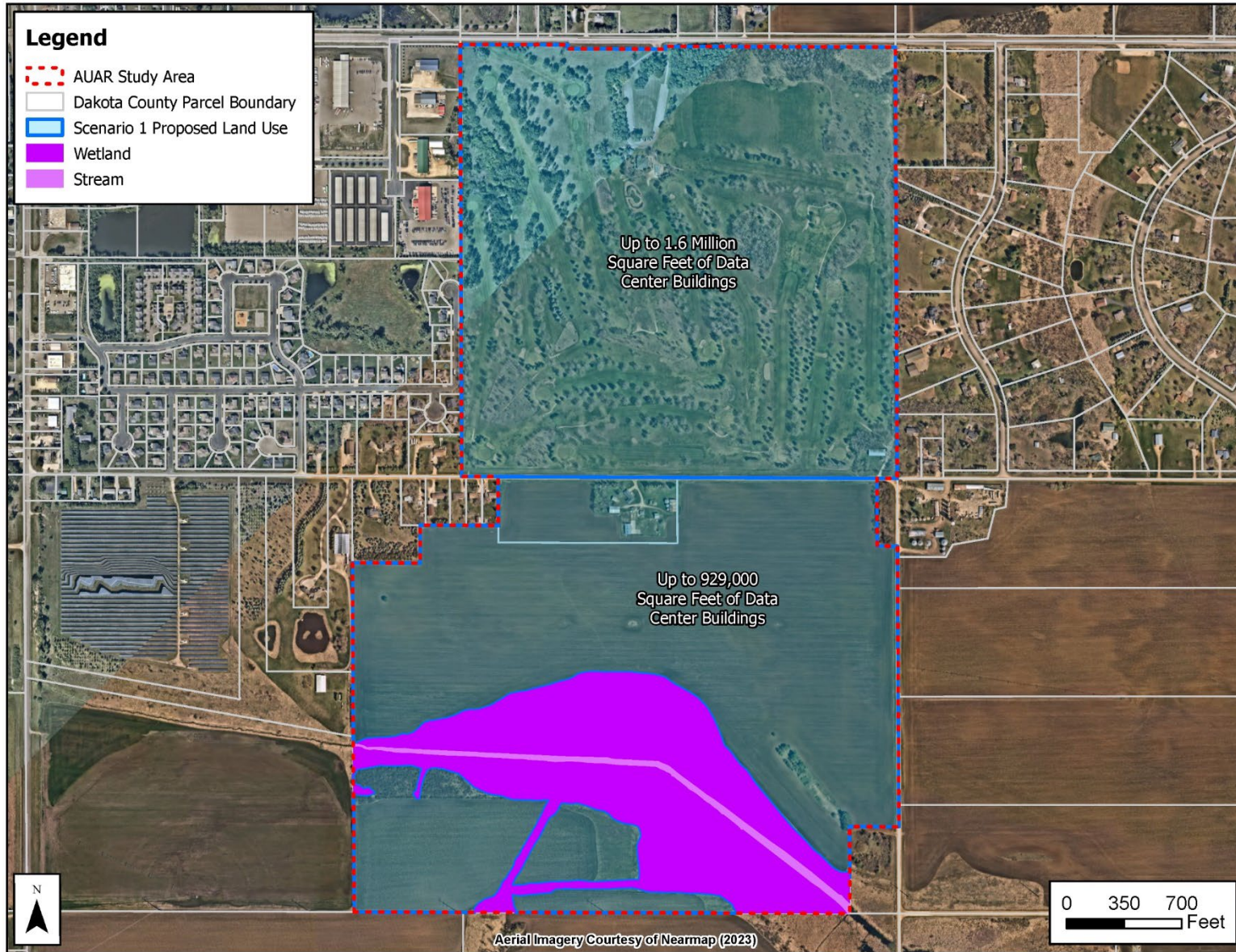
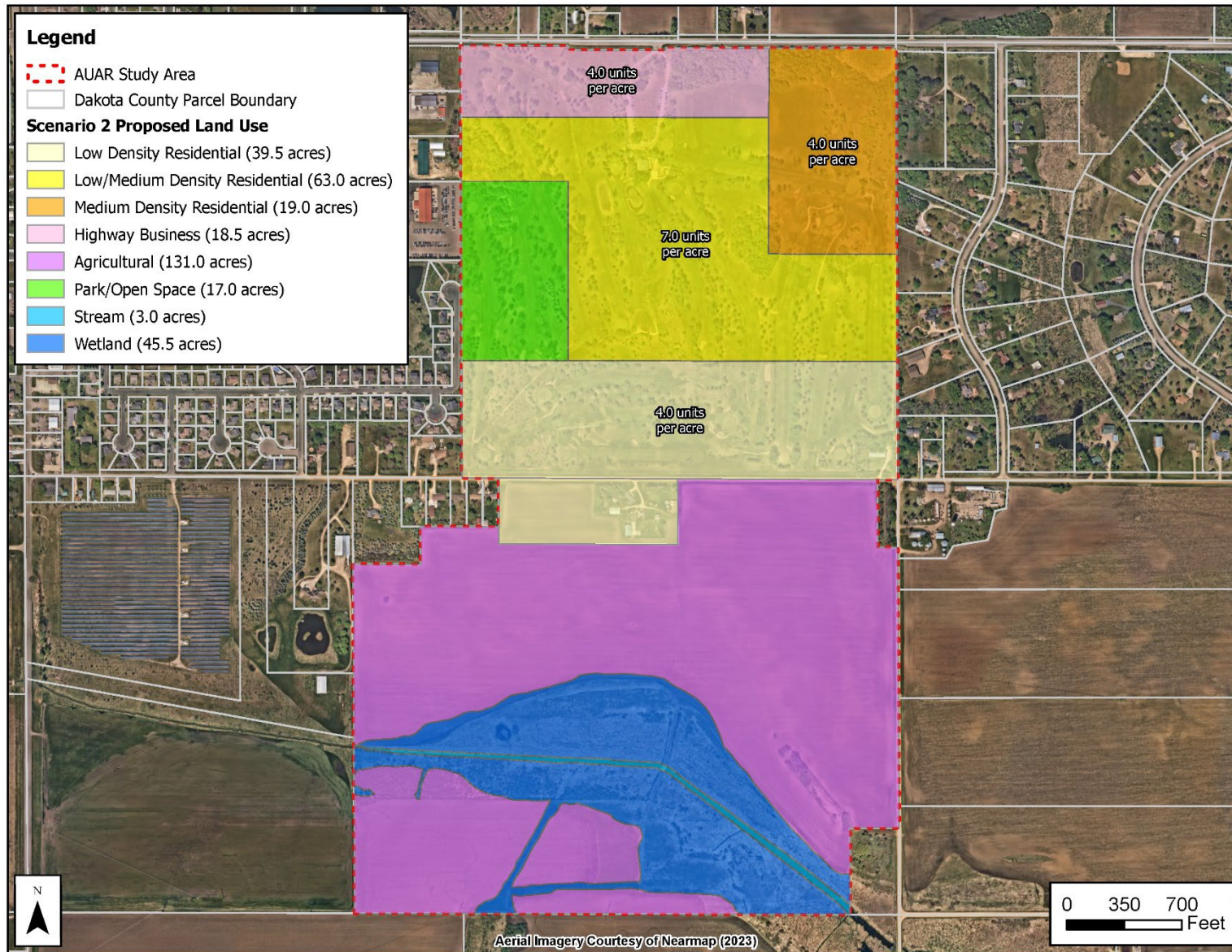


Figure 3: AUAR Scenario 2



## Attachment A

# Farmington Technology Park AUAR

## SCOPING DOCUMENT

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JULY 2024

PREPARED FOR:



PREPARED BY:



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# Scoping Document

This EAW form is being used to delineate the issues and analyses to be reviewed in an Alternative Urban Areawide Review (AUAR). Where the AUAR guidance provided by the Minnesota Environmental Quality Board (EQB) indicates that an AUAR response should differ notably from what is required for an EAW, the guidance is noted in *italics*.

**Note to reviewers:** Comments must be submitted to the Responsible Governmental Unit (RGU) during the 30-day comment period following notice of the Scoping Document in the *EQB Monitor*.

## 1. PROJECT TITLE

---

Farmington Technology Park

## 2. PROJECT ROPOSER

---

**Proposer:** Tract Management Company, LP  
**Contact Person:** Kristin Dean  
**Title:** Director of Entitlements  
  
**Address:** 3300 E. 1<sup>st</sup> Ave, Suite 600  
**City, State, ZIP:** Denver, CO 80206  
  
**Email:** kristin.dean@tract.com

## 3. RGU

---

**RGU:** City of Farmington  
**Contact Person:** Tony Wippler  
**Title:** Planning Manager  
**Address:** 430 Third St.  
**City, State, ZIP:** Farmington, MN 55024  
**Phone:** 651-280-6800  
**Email:** [twippler@farmingtonmn.gov](mailto:twippler@farmingtonmn.gov)

#### 4. REASON FOR PREPARATION

---

*AUAR Guidance: Not applicable to an AUAR.*

#### 5. PROJECT LOCATION

---

**County:** Dakota

**City/Township:** Farmington

**PLS Location (¼, ¼, Section, Township, Range):** Section 5, Township 113N, Range 19W

**Watershed (81 major watershed scale):** Mississippi River & Lake Pepin

**Tax Parcel Numbers:** 140050001012, 070050076011, 070050076012

**At a minimum, attach each of the following to the AUAR:**

- **US Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (see Figure 1)**
- **Map depicting the boundaries of the AUAR and any subdistricts used in the AUAR analysis (see Figure 2 through Figure 4)**
- **Cover type map as required for Item 7 (see Figure 5)**
- **Land use and planning and zoning maps as required in conjunction with Item 9 (see Figure 6 and Figure 7)**

Figure 1. USGS Map

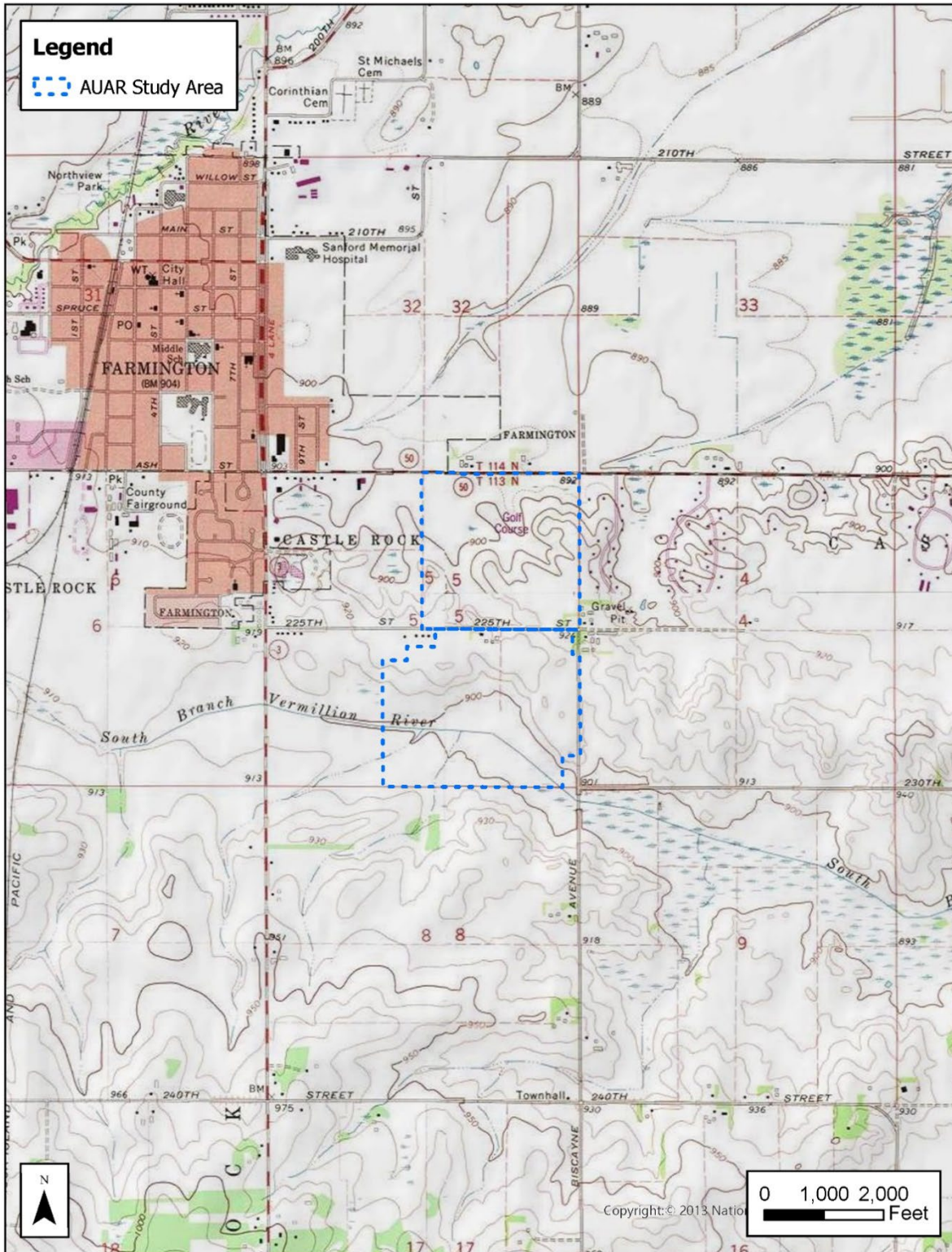
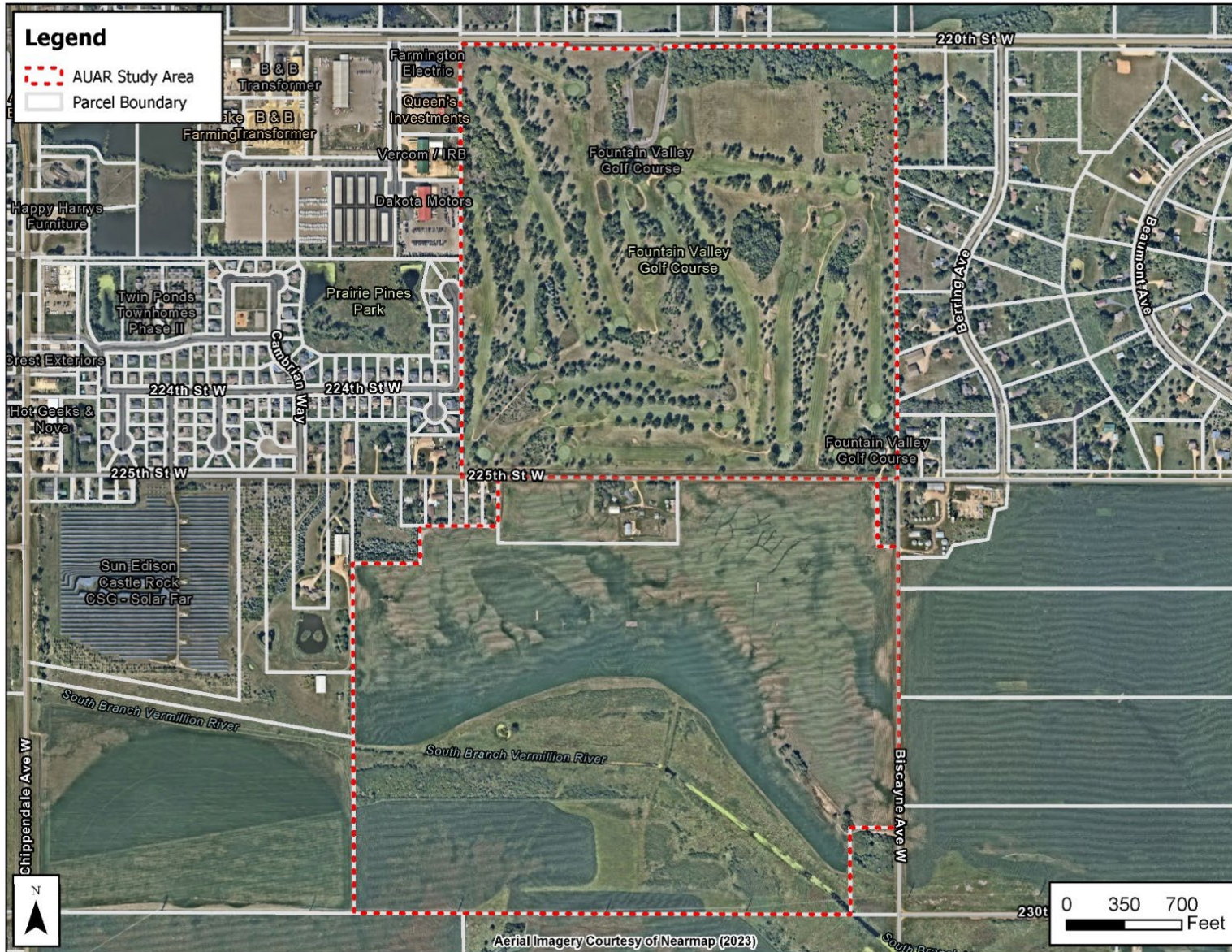


Figure 2. AUAR Study Area





6. PROJECT DESCRIPTION

*AUAR Guidance: Instead of the information called for on the EAW form, the description section of an AUAR should include the following elements for each major development scenario included:*

- *Anticipated types and intensity (density) of residential and commercial/warehouse/light industrial development throughout the AUAR area.*
- *Infrastructure planned to serve development (roads, sewers, water, stormwater system, etc.). Roadways intended primarily to serve as adjoining land uses within an AUAR area are normally expected to be reviewed as part of an AUAR. More “arterial” types of roadways that would cross an AUAR area are an optional inclusion in the AUAR analysis; if they are included, a more intensive level of review, generally including an analysis of alternative routes, is necessary.*
- *Information about the anticipated staging of various developments, to the extent known, and of the infrastructure, and how the infrastructure staging will influence the development schedule.*

The AUAR study area encompasses an area totaling approximately 347 acres on 3 parcels in the City of Farmington, Dakota County, Minnesota (shown on Figure 2). Tract Management Company, LP is proposing to redevelop the study area from existing agriculture and golf course use to data center uses.

Two scenarios are proposed for evaluation in the AUAR as outlined in Table 1. Scenario 1 includes multiple buildings for a total of 2.53 million square feet of proposed light industrial development (see Figure 3). Scenario 2 consists of up to 675 residential units, 100,000 square feet of commercial space, and agricultural land. The proposed development within the AUAR study area is anticipated to start in 2026. A general development timeline and phasing will be discussed in the AUAR.

The intent of the AUAR is to recognize the worst-case potential impacts and identify mitigation measures that may be taken to compensate for those impacts. Redevelopment of the study area would include new infrastructure, including water service, sewer, stormwater, streets, and utilities. All new services would be extensions to existing infrastructure or upgrading existing systems to support the new land development.

A more detailed discussion of infrastructure needs will be included in the AUAR.

**Table 1: Development Scenarios**

Component	Scenario 1	Scenario 2
Industrial	2.53 million sq ft	0
Residential	-	675 units
Highway Business	-	100,000 sq ft
Park/Open Space	-	17.0 acres

Figure 3. Development Scenario 1

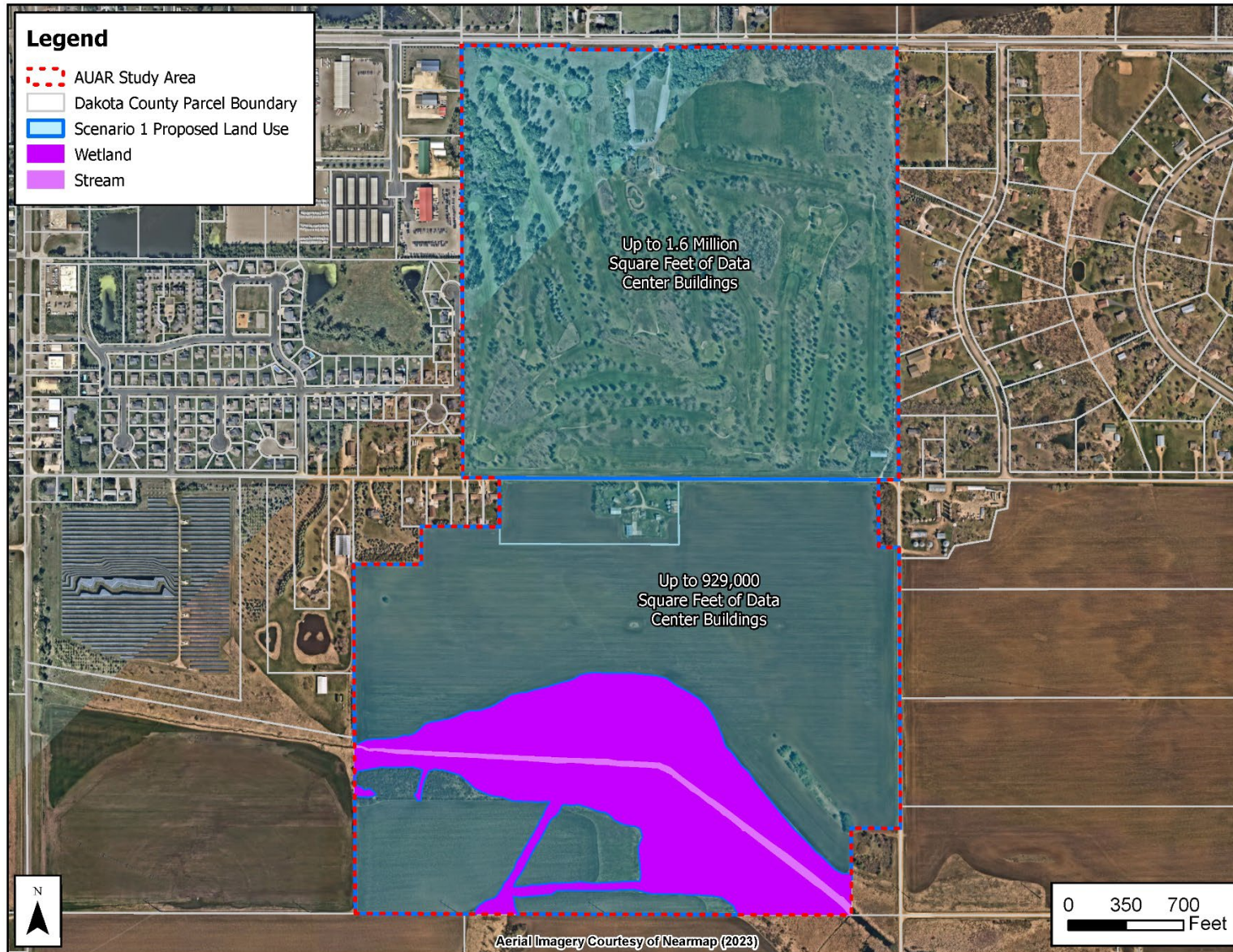
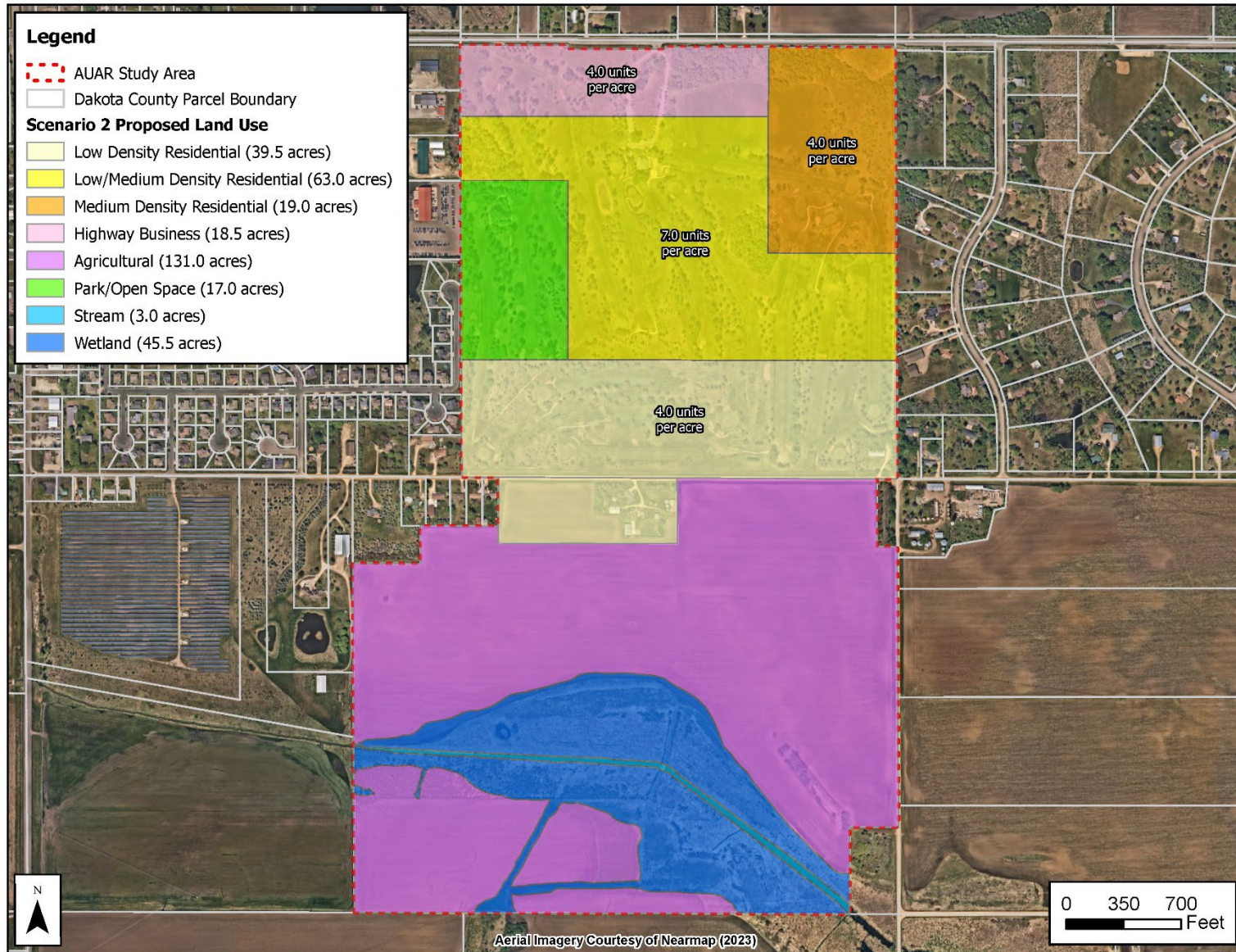


Figure 4. Development Scenario 2



## 7. CLIMATE ADAPTION AND RESILIENCE

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- a. Describe the climate trends in the general location of the project (see guidance: *Climate Adaptation and Resilience*) and how climate change is anticipated to affect that location during the life of the project.**

The AUAR will describe trends in temperature, urban heat island, precipitation, flood risk, and cooling degree days for the general project location. Climate projections will use Representative Concentration Pathways (RCPs), which are greenhouse gas concentration scenarios used by the Intergovernmental Panel on Climate Change. RCP 4.5 is an intermediate scenario in which emissions decline after peaking around 2040, and RCP 8.5 is a worst-case scenario in which emissions continue to rise through the 21st century.<sup>1</sup>

- b. For each resource category in the table below, describe the project’s proposed activities and how the project’s design will interact with those climate trends. Describe proposed adaptations to address the project effects identified.**

---

<sup>1</sup> Climate Explorer Metadata. Available at <https://www.dnr.state.mn.us/climate/climate-explorer-metadata.html>.

Table 2: Climate Considerations and Adaptions

Resource Category	Climate Considerations	Project Information	
		Climate Change Risks and Vulnerabilities	Adaptions (Scenario 1)
<b>Project Design</b>	The AUAR will discuss aspects of building architecture/ materials choices and site design that could impact climate.	To be discussed in AUAR	To be discussed in AUAR
<b>Land Use</b>	The AUAR will discuss critical facilities and flood risk.	To be discussed in AUAR	To be discussed in AUAR
<b>Water Resources</b>	The AUAR will discuss current Minnesota climate trends and anticipated climate change in the general location of the project and how that may influence water resources.	To be discussed in AUAR	To be discussed in AUAR
<b>Contamination/ Hazardous Materials/ Wastes</b>	The AUAR will discuss current Minnesota climate trends and anticipated climate change in the general location of the project and how that may influence the potential environmental effects of generation/use/storage of hazardous waste and materials.	To be discussed in AUAR	To be discussed in AUAR
<b>Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)</b>	The AUAR will discuss current Minnesota climate trends and anticipated climate change in the general location of the project how that may influence the local species and suitable habitat.	To be discussed in AUAR	To be discussed in AUAR

## 8. COVER TYPES

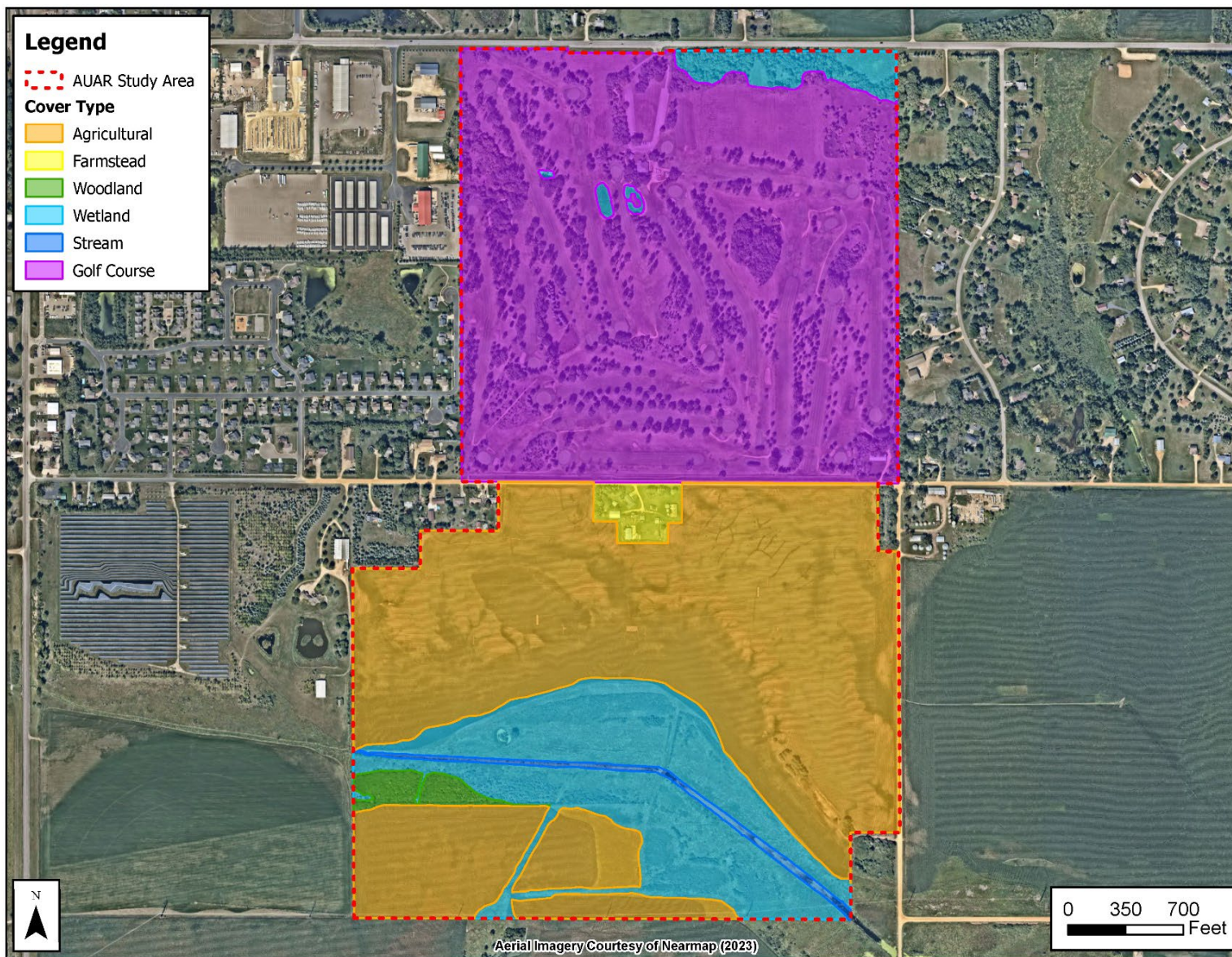
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*AUAR Guidance: The following information should be provided:*

- *A cover type map, at least at the scale of a USGS topographic map, depicting:*
  - *Wetlands (identified by Circular 39 type)*
  - *Watercourses (rivers, streams, creeks, ditches)*
  - *Lakes (identify public waters status and shoreland management classification)*
  - *Woodlands (break down by classes where possible)*
  - *Grassland (identify native and old field)*
  - *Cropland*
  - *Current development*
  
- *An overlay map showing anticipated development in relation to the cover types. This map should also depict any “protection areas,” existing or proposed, that will preserve sensitive cover types. Separate maps for each major development scenario should be generally provided.*

The AUAR study area is approximately 347 acres of golf course, farmstead, and agricultural land. There are approximately 9 existing farmstead buildings and structures, and two golf course buildings within the study area. The AUAR will include an analysis of existing and proposed cover types within the study area that are shown on Figure 5 and were determined by reviewing 2023 aerial photography.

Figure 5. Cover Types





**9. PERMITS AND APPROVALS REQUIRED**

*AUAR Guidance: A listing of major approvals (including any comprehensive plan amendments and zoning amendments) and public financial assistance and infrastructure likely to be required by the anticipated types of development projects should be given for each major development scenario. This list will help orient reviewers to the framework that will protect environmental resources. The list can also serve as a starting point for the development of the implementation aspects of the mitigation plan to be developed as part of the AUAR.*

**Table 3: Anticipated Permits and Approvals**

Unit of Government	Type of Application	Status
<b>Federal</b>		
US Army Corps of Engineers	Section 404 Permit	To be applied for, if applicable
<b>State</b>		
Minnesota Pollution Control Agency	Section 401 Water Quality Certification	To be applied for, if applicable
	National Pollutant Discharge Elimination System Stormwater Permit for Construction Activities	To be applied for, if applicable
	Sanitary Sewer Extension Permit	To be applied for, if applicable
	Industrial Wastewater Permit	To be applied for, if applicable
	Significant Industrial User	To be applied for, if applicable
	Construction Contingency Plan and Response Action Plan approval	To be applied for, if applicable
	Notice of Intent of Demolition	To be applied for, if applicable
Minnesota Department of Natural Resources	Temporary Groundwater Appropriation Permit for Construction Dewatering	To be applied for, if applicable
	Water Appropriation Permit	To be applied for, if applicable
Minnesota Department of Health	Water Main Installation Permit	To be applied for, if applicable
Minnesota Pollution Control Agency	Air Permit	To be applied for, if applicable
<b>Regional</b>		
Metropolitan Council	Sewer Extension Permit	To be applied for, if applicable
	Sewer Connection Permit to Connect	To be applied for, if applicable
	Direct Connection Permit	To be applied for, if applicable
	Industrial Waste Discharge Permit	To be applied for, if applicable
Vermillion River Watershed District	Project Review	To be applied for, if applicable

Unit of Government	Type of Application	Status
<b>County</b>		
Dakota County	Building Permit	To be applied for, if applicable
	Right-of-Way Permit	To be applied for, if applicable
<b>City</b>		
City of Farmington	Preliminary/Final Plat	To be applied for, if applicable
	Sign Permit	To be applied for, if applicable
	Site Plan Approval	To be applied for, if applicable
	Building Permit	To be applied for, if applicable
	Erosion Control, Grading, and Stormwater Permit	To be applied for, if applicable
	Right-of-Way Permit	To be applied for, if applicable
	WCA Review and Approval	To be applied for, if applicable
	Wetland Buffer Zone Management Plan Approval	To be applied for, if applicable
	Zoning Map Amendment	To be applied for, if applicable
	Demolition Permit	To be applied for, if applicable
	AUAR Adoption	In process
	Comprehensive Plan Amendment	To be applied for, if applicable
	Rezoning Application	In process

## 10. LAND USE

### a. Describe:

**i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, and prime or unique farmlands.**

The AUAR study area consists of 3 existing parcels including one agricultural field, one residential lot, and one golf course (see Figure 6).

The study area is bisected by 225<sup>th</sup> Street West, with a farmstead and agricultural land to the south, and a golf course to the north. Commercial and residential areas are present west and east of the golf course. West of the farmstead is agricultural land and a small solar farm, and east of the farmstead is agricultural land. North and south of the Study Area is agricultural land.

There is one park, Prairie Pines Park, west of the study area. According to the Natural Resources Conservation Service (NRCS), 42.8 percent of the study area is considered prime farmland, 12.8 percent of the study area is considered farmland of statewide importance, and the remainder of the study area is considered prime farmland if drained (see Table 5). Impacts to farmland will occur as a result of the proposed

development; however, the AUAR Study Area is within the city limits; therefore, no further evaluation or mitigation is required.

- ii. **Planned land use as identified in comprehensive plans (if available) and any other applicable plan for land use, water, or resource management by a local, regional, state, or federal agency.**

*Farmington 2040 Comprehensive Plan*

Based on the 2040 Future Land Use map<sup>2</sup>, the majority of the northern portion of the study area is identified as low/medium residential land use. Other land use includes low density residential, medium density residential, commercial, and park/open space. Low density residential is land guided for development of single-family detached dwellings, including manufactured homes, connected to urban services with a density range of 1.0 to 3.5 units per net acre. Land guided for a variety of low to medium density housing types, including single-family detached dwellings, duplexes, and twin homes that are connected to urban services with a density range of 3.5 to 6.0 dwelling units per net acre. It is also incorporating existing older residential development in the city. Land guided for medium density multi-family housing types, including townhouses and row houses, in areas with access to jobs, services, public facilities, transit and urban services with a density range of 6.0 to 12.0 dwelling units per net acre. Land guided for commercial businesses, such as retail sales of goods, services, food and beverage, entertainment, and offices. Land guided for recreational and leisure opportunities through publicly owned land and recognizes vital environmental resources including steep slopes, wetlands, and floodplains. The southern portion of the study area was recently annexed into the City of Farmington and was zoned as agricultural land. It is planned to be zoned for light industrial as the future land use. Anticipated phasing for future development is predicted to occur between 2020-2040.

*Dakota County 2040 Comprehensive Plan*

The Dakota County 2040 Comprehensive Plan<sup>3</sup> is used to guide the County’s housing, transportation, county facilities, parks, and land use planning over the next 20 years. While the future land use designation falls under the City of Farmington’s comprehensive plan, the County’s plan classifies Farmington as an emerging suburban edge community. Communities with the emerging suburban edge classification includes areas managing rapid growth and change. These areas have significant amounts of land for future development. Primary concerns in suburban edge communities include protecting water supplies and preserving open space.

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<sup>2</sup> Source: City of Farmington 2040 Comprehensive Plan. Available at: [https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server\\_745675/File/Government/Departments/PlanningandZoning/2040/2040CompPlan\\_Dec2020.pdf](https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_745675/File/Government/Departments/PlanningandZoning/2040/2040CompPlan_Dec2020.pdf)

<sup>3</sup> Source: Dakota County 2040 Comprehensive Plan. Available at: <https://www.co.dakota.mn.us/Government/Planning/CompPlan/Documents/2040ComprehensivePlanAmendment.pdf>

**iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.**

*AUAR Guidance: Water-related land use management districts should be delineated on appropriate maps, and the land use restrictions applicable in those districts should be described. If any variances or deviations from these restrictions within the AUAR area are envisioned, this should be discussed.*

**Existing Zoning**

According to the City of Farmington Zoning Map<sup>4</sup> (Figure 7), the majority of the study area is zoned as R-2, Low/Medium Density Residential. The study area is also zoned as R-1 (Low Density Residential), R-3 (Medium Density Residential), P/OS (Parks/Open Space), and B-1 (Highway Business). The AUAR study area is currently used as a golf course and for agricultural purposes (crop cultivation), but in the future, agricultural land in the City of Farmington is expected to be developed to different land uses.

Any new development, redevelopment, change in land use, or change in zoning is required to be consistent with the current City's Comprehensive Plan.

**FEMA National Flood Hazard**

According to the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Map (panel numbers 27037C0219E, 27037C0238E, 27037C0360E, and 27037C0380E, effective 12/02/2011), the majority of the AUAR study area is located in an area of minimal flooding area. The southern portion of the study area is located in Zone AE, a 100-year floodplain.

**Vermillion River Watershed Joint Powers Organization**

The study area is located within the Vermillion River watershed, which is administered by the Vermillion River Watershed Joint Powers Organization (VRWJPO). The VRWJPO seeks to protect surface water, ground water, and natural resources within in the Vermillion River watershed. Jurisdiction of the VRWJPO is provided under the Metropolitan Surface Water Management Act and the Metropolitan Area Local Water Management Rules. One stream, classified as a conservation corridor watercourse, is located within the AUAR study area<sup>5</sup>. The AUAR will discuss any potential impacts and mitigation strategies.

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<sup>4</sup> Source: City of Farmington Zoning Map. Available at:  
<https://experience.arcgis.com/experience/1615bea8f9cd47199e8432980612823e>

<sup>5</sup> Source: Vermillion River Watershed Watercourse Classification and Buffer Standards Map. Available at:  
[https://www.vermillionriverwatershed.org/wp-content/uploads/2017/06/Map1\\_WatercourseClassifications\\_BufferStandards.pdf](https://www.vermillionriverwatershed.org/wp-content/uploads/2017/06/Map1_WatercourseClassifications_BufferStandards.pdf)

*Farmington Surface Water Management Plan*

The Farmington Surface Water Management Plan Wetland Classifications Map<sup>6</sup> identifies ten wetlands within the study area. This plan lays out the City’s rules regarding development within and near wetlands. Development adjacent to wetlands the must adhere to several standards listed in Farmington Wetland Ordinance 10-6-17 Wetland Standards including the buffer width and setbacks listed in Table 4. The City of Farmington uses a functional value index to define wetlands classifications. The functional value index is based on a weighted average that incorporates the wetland community and the functional value. Per the Farmington Wetland Ordinance, “To achieve no net loss of wetlands except as authorized by a wetland alteration permit issued by the city, a person may not drain, grade, fill, remove healthy native vegetation, or otherwise alter or destroy a wetland of any size or type. Any alteration to a wetland permitted by a wetland alteration permit, must be fully mitigated so that there is no net loss of wetlands. (Ord. 002-469, 2-19-2002).”

**Table 4. Wetland Buffer Strips and Setbacks<sup>7</sup>**

Wetland Classification	Functional Value Index	Average Buffer Width (Feet)	Minimum Buffer (Feet)	Structure Setback from Outer Edge of Buffer (Feet)
<b>Protect</b>	1-0.6	75	75	10
<b>Manage 1</b>	0.59-0.5	50	30	10
<b>Manage 2</b>	0.49-0.3	30	25	10

- iv. **If any critical facilities (i.e., facilities necessary for public health and safety, those storing hazardous materials, or those housing occupants who may be insufficiently mobile) are proposed in floodplain areas and other areas identified as at risk for localized flooding, describe the risk potential considering changing precipitation and event intensity.**

No critical facilities are proposed as part of the project.

- b. **Discuss the project’s compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.**

*AUAR Guidance: The extent of conversion of existing farmlands anticipated in the AUAR should be described. If any farmland will be preserved by special protection programs, this should be discussed.*

<sup>6</sup> Source: Farmington Surface Water Management Plan Wetland Classifications Map. Available at: [https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server\\_745675/File/Government/Departments/Engineering/EngineeringComprehensiv ePlans/Farmington\\_LSWMP\\_WetlandClassificationsMap\\_July2008.pdf](https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server_745675/File/Government/Departments/Engineering/EngineeringComprehensiv ePlans/Farmington_LSWMP_WetlandClassificationsMap_July2008.pdf)

<sup>7</sup> Source: City of Farmington Wetland Ordinance. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/[https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server\\_745675/File/Government/Departments/NaturalResources/Water/WetlandOrdinance.pdf](https://cdns5-hosted.civiclive.com/UserFiles/Servers/Server_745675/File/Government/Departments/NaturalResources/Water/WetlandOrdinance.pdf)

*If development of the AUAR will interfere or change the use of any existing designated parks, recreation areas, or trails, this should be described in the AUAR. The RGU may also want to discuss under this item any proposed parks, recreation areas, or trails to be developed in conjunction with development of the AUAR area.*

*The AUAR must include a statement of certification from the RGU that its comprehensive plan complies with the requirements set out at Minnesota Rules, part 4410.3610, subpart 1. The AUAR document should discuss the proposed AUAR area development in the context of the comprehensive plan. If this has not been done as part of the responses to Items 6, 9, 11, 18, and others, it must be addressed here; a brief synopsis should be presented here if the material has been presented in detail under other items. Necessary amendments to comprehensive plan elements to allow for any of the development scenarios should be noted. If there are any management plans of any other local, state, or federal agencies applicable to the AUAR area, the document must discuss the compatibility of the plan with the various development scenarios studied, with emphasis on any incompatible elements.*

The AUAR will discuss the project’s compatibility with nearby land uses, zoning, parks and trails, and other relevant plans and will discuss if amendments to the Comprehensive Plan will be required. The AUAR will also include a statement of certification from the RGU that its comprehensive plan complies with the requirements set out at Minnesota Rules, part 4410.3610, subpart 1.

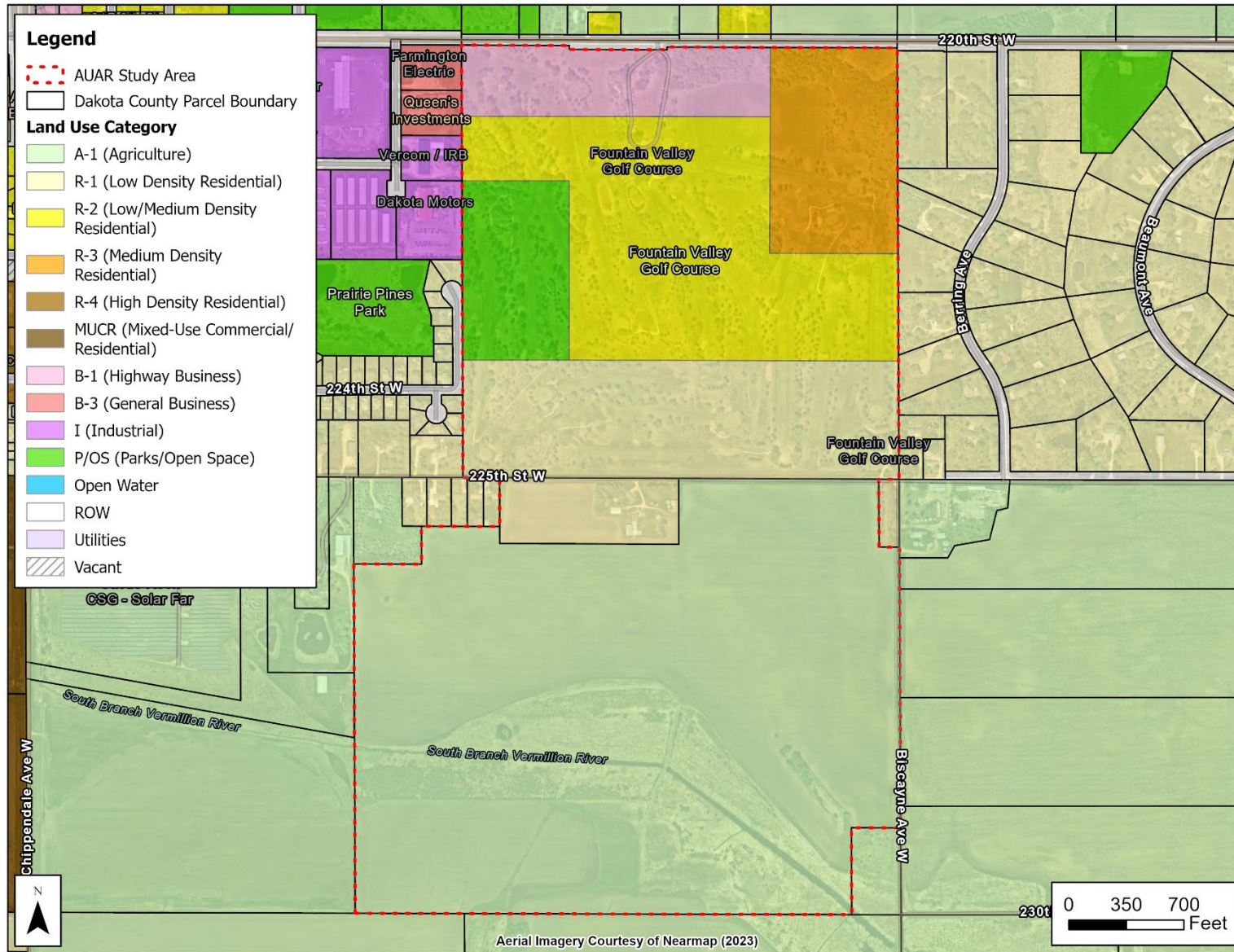
**c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.**

The proposed development scenarios are anticipated to be compatible with planned land use in the project vicinity. The AUAR will identify measures to mitigate any potential incompatibilities.

Figure 6. Existing Land Use



Figure 7. Existing Zoning Map



## 11. GEOLOGY, SOILS, AND TOPOGRAPHY/LANDFORMS

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- a. Geology – Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.**

*AUAR Guidance: A map should be included to show any groundwater hazards identified.*

According to the Geologic Atlas of Dakota County, the AUAR study area lies above Paleozoic bedrock. The bedrock formation generally lies within the lower Ordovician system, which consists of dolostone and shaly, included the Shakopee formation, and Oneota dolomite of the Prairie du Chien Group. The mean depth to bedrock is approximately 196 feet below ground surface. Bedrock is comprised of sandstone and chert.

There are no known sinkholes or unconfined/shallow aquifers located within the AUAR study area. There are karst conditions located approximately 5,000 feet from the study area. The AUAR will include a discussion of karst conditions and any potential mitigation measures.

According to the Geologic Atlas of Dakota County (Minnesota Geological Survey, 1990), groundwater is present at approximately 20 feet below grade, excluding the wetlands located within the study area. With the proposed stormwater BMPs and proposed construction, no adverse impacts to groundwater are anticipated as a result of the project.

- b. Soils and Topography – Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability, or other soil limitations, such as steep slopes or highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections, or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.**

*AUAR Guidance: The number of acres to be graded and number of cubic yards of soil to be moved need not be given; instead, a general discussion of the likely earthmoving needs for development of the area should be given, with an emphasis on unusual or problem areas. In discussing mitigation measures, both the standard requirements of the local ordinances and any special measures that would be added for AUAR purposes should be included. A standard soils map for the area should be included.*

According to the Natural Resources Conservation Service (NRCS) Web Soil, the area is comprised of 17 different soil types. Soil information is included in Table 5 and Figure 8.

Topography within the study area varies from 892 feet in elevation to 930 feet in elevation. The northern portion of the study area generally drains to the northeast towards local depressions,

or along roadside ditches. The southern portion of the study area drains north and south toward the stream along the southern edge of the study area. The AUAR will include a general discussion of the likely earthmoving needs for the development and identify measures to minimize erosion and identify short-term and long-term establishment and erosion control plans that account for seasonal changes and comply with permit conditions.

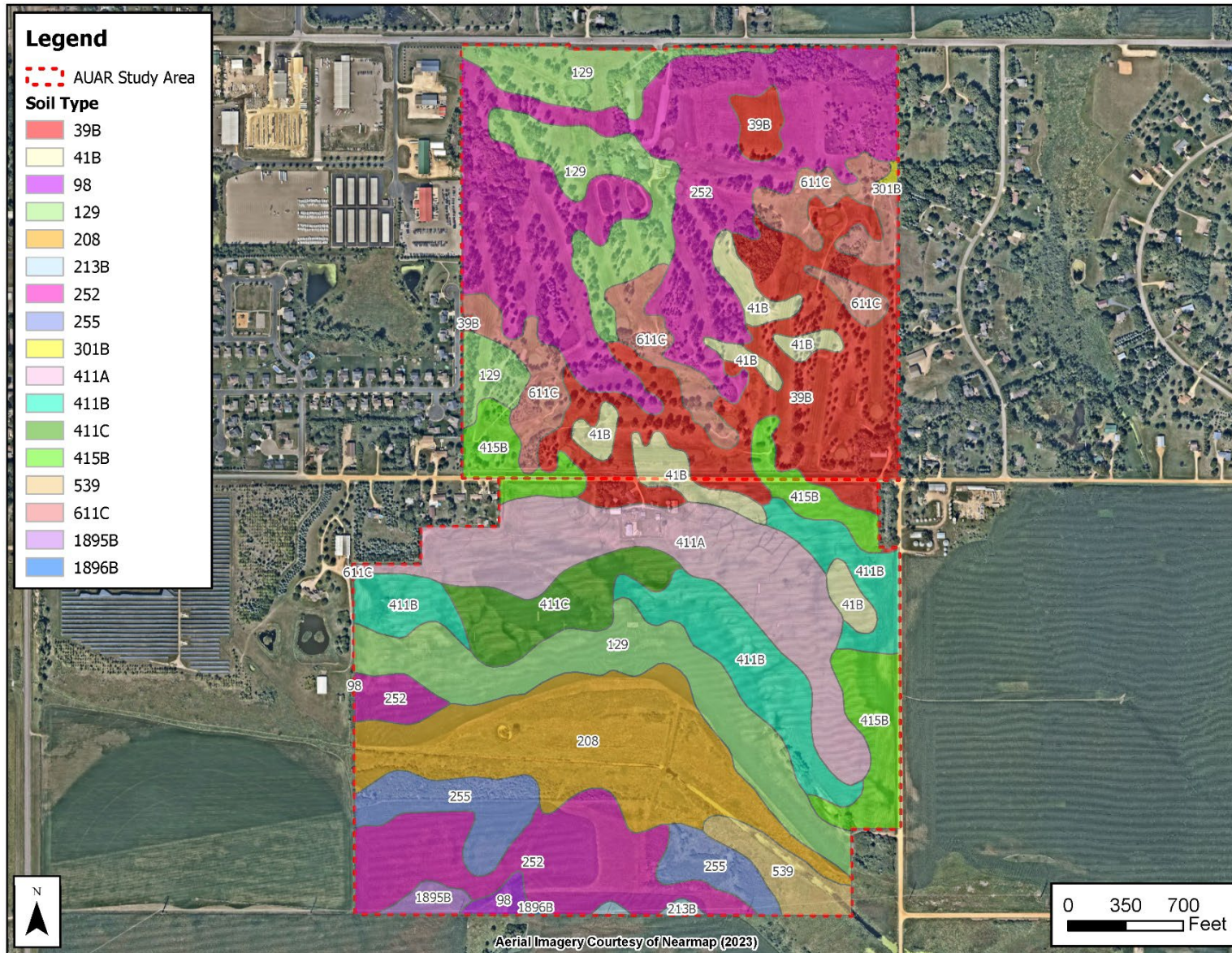
Any additional information provided by the developer will be utilized to supplement the information provided above.

**Table 5: Soil Types**

Map Unit Symbol	Soil Type	Farmland Classification	Acres within Study Area	Percent of Site
39B	Wadena loam, 2 to 6 percent slopes	All areas are prime farmland	43.8	12.6%
41B	Estherville sandy loam, 2 to 6 percent slopes	Farmland of statewide importance	11.3	3.3%
98	Colo silt loam, occasionally flooded	Prime farmland if protected from flooding or not frequently flooded during the growing season	1.3	0.4%
129	Cylinder loam, 0 to 2 percent slopes	All areas are prime farmland	48.0	13.8%
208	Kato silty clay loam	Prime farmland if drained	34.3	9.9%
213B	Klinger silt loam, 1 to 5 percent slopes	All areas are prime farmland	0.7	0.2%
252	Marshan silty clay loam	Prime farmland if drained	87.4	25.1%
255	Mayer silt loam	Prime farmland if drained	12.7	3.6%
301B	Lindstrom silt loam, till plain, 2 to 6 percent slopes	All areas are prime farmland	0.4	0.1%
411A	Waukegan silt loam, 0 to 1 percent slopes	All areas are prime farmland	30.7	8.8%
411B	Waukegan silt loam, 1 to 6 percent slopes	All areas are prime farmland	23.5	6.8%
411C	Waukegan silt loam, 6 to 12 percent slopes	Farmland of statewide importance	10.3	3.0%
415B	Kanaranzi loam, 2 to 6 percent slopes	Farmland of statewide importance	17.5	5.0%
539	Klossner muck, 0 to 1 percent slopes	Farmland of statewide importance	5.1	1.5%
611C	Hawick gravelly sandy loam, 6 to 12 percent slopes	Not prime farmland	19.0	5.5%
1895B	Carmi loam, 2 to 8 percent slopes	All areas are prime farmland	1.7	0.5%

Map Unit Symbol	Soil Type	Farmland Classification	Acres within Study Area	Percent of Site
1896B	Ostrander-Carmi loams, 2 to 6 percent slopes	All areas are prime farmland	0.2	0.0%
<b>Total</b>			<b>347.8</b>	<b>100%</b>

Figure 8. Soil Types



## 12. WATER RESOURCES

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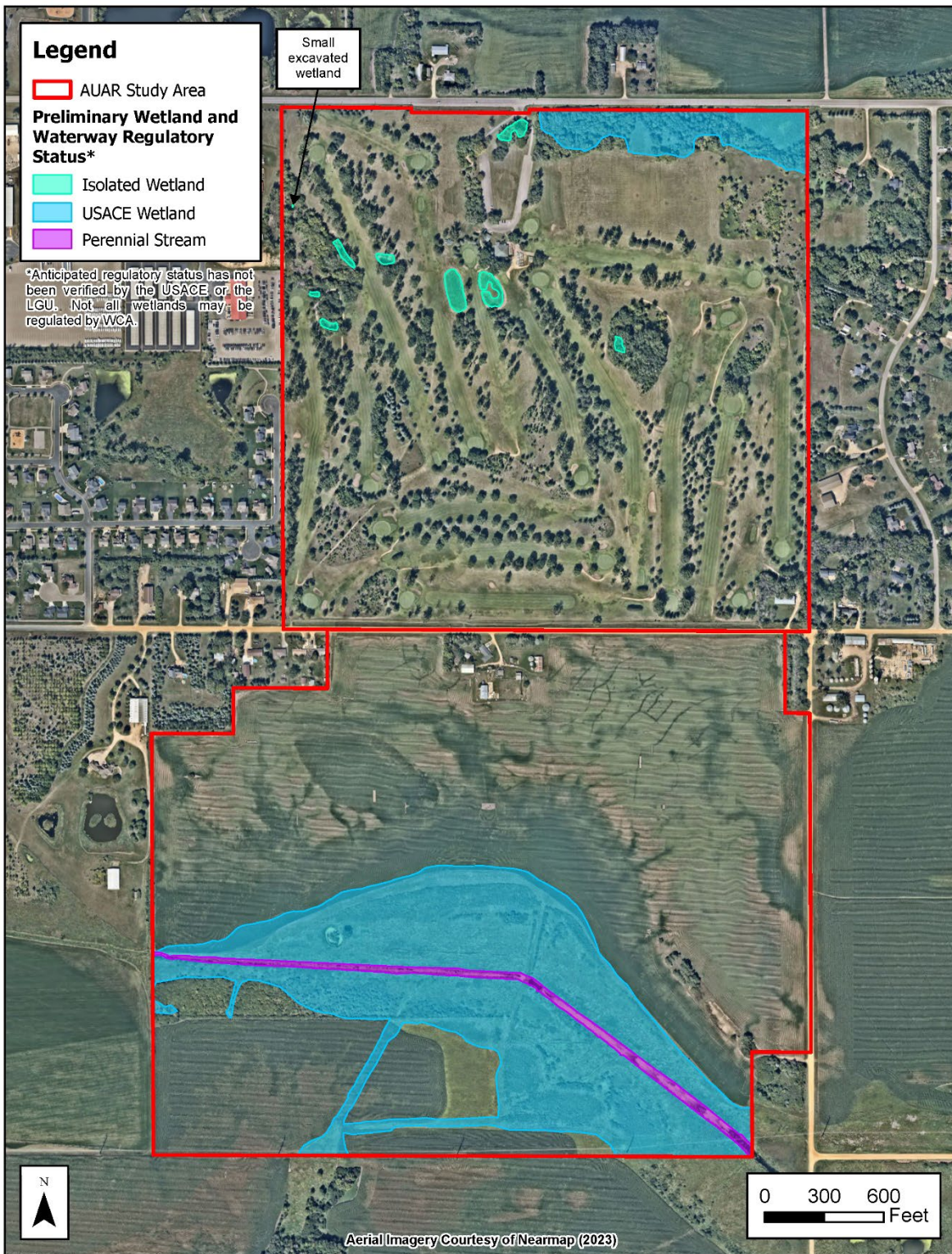
*AUAR Guidance: The information called for on the EAW form should be supplied for any of the infrastructure associated with the AUAR development scenarios, and for any development expected to physically impact any water resources. Where it is uncertain whether water resources will be impacted depending on the exact design of future development, the AUAR should cover the possible impacts through a “worst case scenario” or else prevent impacts through the provisions of the mitigation plan.*

**a. Describe surface water and groundwater features on or near the site below.**

- i. Surface Water – lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within one mile of the project. Include DNR Public Waters Inventory number(s), if any.**

An aquatic resources site visit (March 2024) was completed to identify potential aquatic resources within the AUAR study area. The results of the site visit are shown in Figure 9 and in a summary below.

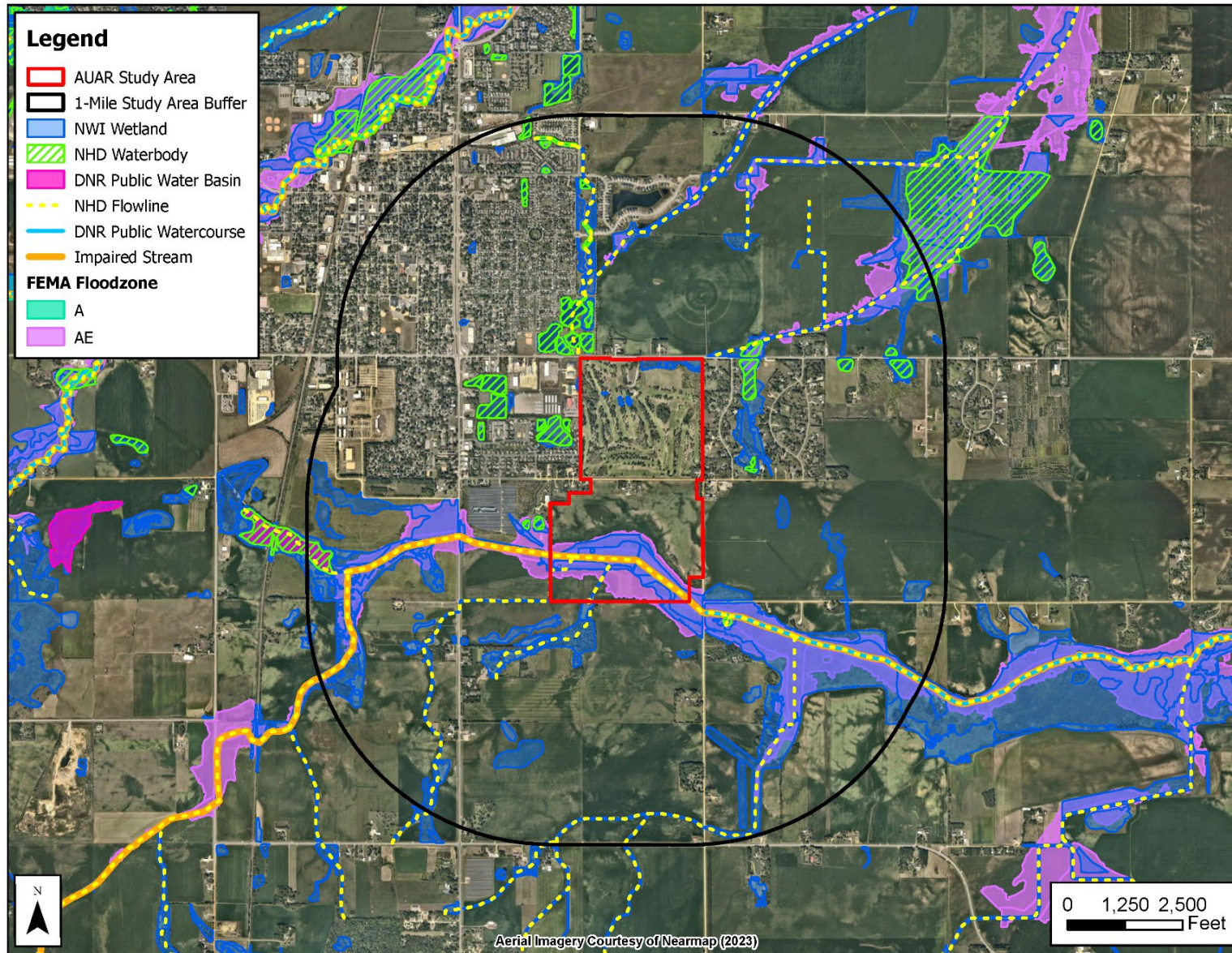
Figure 9. Aquatic Resources Site Visit Summary





In total, 11 wetland features were identified. One perennial stream (South Branch Vermillion River) is located within the AUAR study area.

Figure 10. Surface Water Resources



- ii. **Groundwater – aquifers, springs, and seeps. Include 1) depth to groundwater; 2) if project is within a MDH well protection area; and 3) identification of any onsite and/or nearby wells, including unique numbers and well logs, if available. If there are no wells known on site or nearby, explain the methodology used to determine this.**

According to the Natural Resources Conservation Service (NRCS) the depth to groundwater within the AUAR study area is between 0 to 80+ inches.

Based on the Minnesota Department of Health’s Minnesota Well Index<sup>8</sup>, there is one irrigation well located within the AUAR study area:

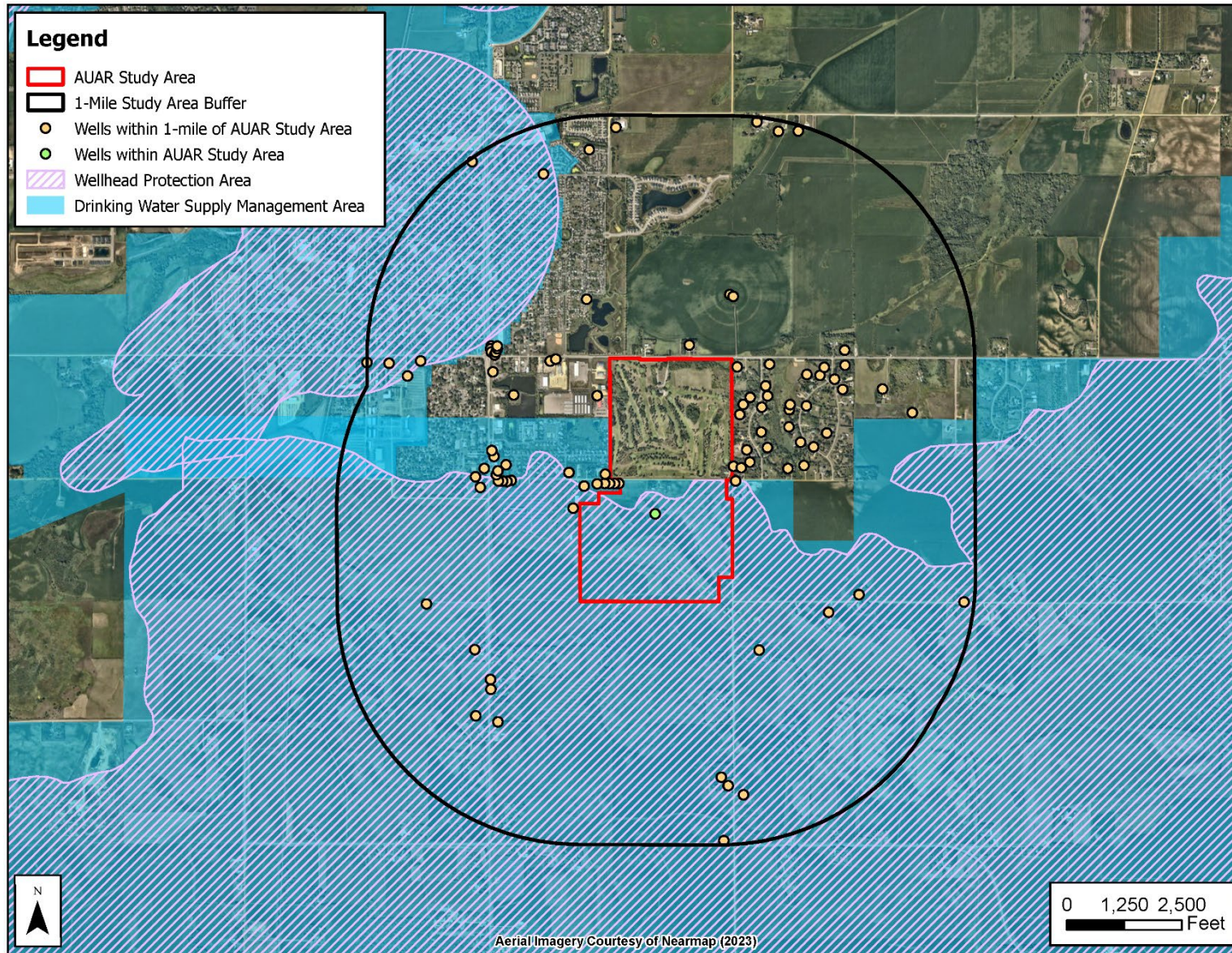
- Use: Irrigation, Minnesota Unique Well Number: 270148, Depth: 250 feet, Date Completed: 1977.

The southern portion of the AUAR study area is located within the Hastings wellhead protection area, and the southern portion of the AUAR study area is located within the Hastings Drinking Water Supply Management Area (DWSMA). The AUAR will further investigate depth to ground water, drinking water supply management areas, and potential wells located in the vicinity of the AUAR study area.

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<sup>8</sup> Source: Minnesota Department of Health Minnesota Well Index. Available at: <https://mnwellindex.web.health.state.mn.us/mwi/index.xhtml?wellId=0000270148>

Figure 11. Ground Water Resources



**b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects below.**

**i. Wastewater – For each of the following, describe the sources, quantities, and composition of all sanitary, municipal/domestic, and industrial wastewaters projected or treated at the site.**

*AUAR Guidance: Observe the following points of guidance in an AUAR:*

- *Only domestic wastewater should be considered in an AUAR—industrial wastewater would be coming from industrial uses that are excluded from review through an AUAR process*
- *Wastewater flows should be estimated by land use subareas of the AUAR area; the basis of flow estimates should be explained*
- *The major sewer system features should be shown on a map and the expected flows should be identified*
- *If not explained under Item 6, the expected staging of the sewer system construction should be described*
- *The relationship of the sewer system extension to the RGU’s comprehensive sewer plan and (for metro area AUARs) to Metropolitan Council regional systems plans, including MUSA expansions, should be discussed. For non-metro area AUARs, the AUAR must discuss the capacity of the RGU’s wastewater treatment system compared to the flows from the AUAR area; any necessary improvements should be described.*
- *If on-site systems will serve part of the AUAR, the guidance in the February 2000 edition of the EAW Guidelines on page 16 regarding item 18b under Residential development should be followed.*

**1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.**

The AUAR study area is located within the Metropolitan Urban Service Area. The City is currently studying estimated utility loads for the project and determine if existing City sanitary sewer connections in the area will suffice or if offsite trunk line extensions will be required to serve the site. The AUAR will discuss Minnesota Pollution Control Agency (MPCA) and Metropolitan Council Environmental Services (MCES) requirements and potential pretreatment measures for industrial wastewater.

The AUAR will evaluate the estimated wastewater flows for the proposed development scenarios, and the existing City sanitary sewer system will be evaluated to determine if there is adequate capacity to convey wastewater. Appropriate mitigation measures or system improvements will be identified, if needed.

- 2) If the wastewater discharge is to a subsurface sewage treatment system (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.

No subsurface sewage treatment systems (SSTS) are anticipated within the AUAR study area for the proposed development scenarios.

- 3) If the wastewater discharge is to surface water, identify the wastewater treatment methods, discharge points, and proposed effluent limitations to mitigation impacts. Discuss any effects to surface or groundwater from wastewater discharges.

No wastewater discharge to surface waters is anticipated for the proposed development scenarios.

- ii. **Stormwater – Describe changes in surface hydrology resulting from change of land cover. Describe the routes and receiving water bodies for runoff from the project site (major downstream water bodies as well as the immediate receiving waters). Discuss environmental effects from stormwater discharges on receiving waters post-construction, including how the project will affect runoff volume, discharge rate, and change in pollutants. Consider the effects of current Minnesota climate trends and anticipated changes in rainfall frequency, intensity, and amount with this discussion. For projects requiring NPDES/SDS Construction Stormwater permit coverage, state the total number of acres that will be disturbed by the project and describe the stormwater pollution prevention plan (SWPPP), including specific best management practices to address soil erosion and sedimentation during and after project construction. Discuss permanent stormwater management plans, including methods of achieving volume reduction to restore or maintain the natural hydrology of the site using green infrastructure practices or other stormwater management practices. Identify any receiving waters that have construction-related water impairments or are classified as special as defined in the Construction Stormwater permit. Describe additional requirements for special and/or impaired waters.**

*AUAR Guidance: For an AUAR the following additional guidance should be followed in addition to that in EAW Guidelines:*

- *It is expected that an AUAR will have a detailed analysis of stormwater issues*
- *A map of the proposed stormwater management system and of the water bodies that will receive stormwater should be provided*
- *The description of the stormwater systems would identify on-site and “regional” detention ponding and also indicate whether the various ponds will be new water bodies or converted existing ponds or wetlands. Where on-site ponds will be used but have not yet been designed, the discussion should indicate the design standards that will be followed.*

- *If present in or adjoining the AUAR area, the following types of water bodies must be given special analyses:*
  - *Lakes: Within the Twin Cities metro area, a nutrient budget analysis must be prepared for any “priority lake” identified by the Metropolitan Council. Outside of the metro area, lakes needing a nutrient budget analysis must be determined by consultation with the MPCA and DNR staffs.*
  - *Trout streams: If stormwater discharges will enter or affect a trout stream, an evaluation of the impacts on the chemical composition and temperature regime of the stream and the consequent impacts on the trout population (and other species of concern) must be included.*

The existing impervious surface area within the study area totals approximately 2.5 acres. The total amount of impervious surface under the development scenarios will be documented in the AUAR.

The AUAR will address stormwater rates, water quality, and volumes for the AUAR study area, and any temporary and permanent stormwater run-off controls will be identified. An existing and proposed conditions analysis will be completed showing the locations of the temporary and permanent stormwater run-off controls.

The National Pollution Discharge Elimination System (NPDES) permit requirements will be adhered to. Special or impaired waters on or near the site will be identified.

Based on the results of the climate trends analysis and flooding risk assessment, any additional volume and rate control needed for stormwater management will be discussed in the AUAR. Stormwater management strategies including any proposed green infrastructure will be documented in the AUAR.

- iii. **Water Appropriation – Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use, and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Discuss how the proposed water use is resilient in the event of changes in total precipitation, large precipitation events, drought, increased temperatures, variable surface water flows and elevations, and longer growing seasons. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation. Describe contingency plans should the appropriation volume increase beyond infrastructure capacity or water supply for the project diminish in quantity or quality, such as reuse of water, connections with another water source, or emergency connections.**

*AUAR Guidance: If the area requires new water supply wells, specific information about that appropriation and its potential impacts on groundwater levels should be given; if groundwater levels would be affected, any impacts resulting on other resources should be addressed.*

The water supply for the study area will be obtained from the City of Farmington. The City is currently studying estimated utility loads for the project and determine if existing City water connections in the area will suffice. The City currently has excess capacity and is looking at adding an additional elevated tank in the next few years. The existing and proposed water supply facilities will be shown on a map.

Handling of any construction dewatering discharge required will be addressed in the AUAR. The AUAR will also address the water demands for the site and the existing city water system capacity. Mitigation strategies or system improvements, if applicable, will be identified in the AUAR.

#### **iv. Surface Waters**

**1) Wetlands – Describe any anticipated physical effects or alterations to wetland features, such as draining, filling, permanent inundation, dredging, and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed, taking into consideration how current Minnesota climate trends and anticipated climate change in the general location of the project may influence the effects. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed and identify those probable locations.**

Kimley-Horn completed a site visit to determine if any aquatic resources are located within the AUAR study area. A wetland delineation will be completed for the AUAR study area. The AUAR will include a general discussion of the findings of this wetland delineation and potential next steps.

The AUAR will address potential wetland impacts based on the proposed scenarios, and mitigation strategies will be identified, if applicable.

**2) Other surface waters – Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal, and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features, taking into consideration how current Minnesota climate trends and anticipated climate change in the general location of the project may influence the effects. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize**

**turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.**

*AUAR Guidance: Water surface use need only be addressed if the AUAR area would include or adjoin recreational water bodies.*

No alternations to other surface waters are anticipated as part the development scenarios. The AUAR study does not contain and is not adjacent to any recreational water bodies.

### 13. CONTAMINATION/HAZARDOUS MATERIALS/WASTES

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- a. Pre-project Site Conditions – Describe existing contamination or potential environmental hazards on or in close proximity to the project site, such as soil or groundwater contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize, or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.**

The AUAR will review the Minnesota Pollution Control Agency’s (MPCA) What’s In My Neighborhood database and Dakota County’s site inventory to determine if any known contaminated properties or potential environmental hazards are located within and adjacent to the AUAR study area. A Phase I Environmental Site Assessment will be completed prior to development.

- b. Project Related Generation/Storage of Solid Wastes – Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.**

*AUAR Guidance: Generally, only the estimated total quantity of municipal solid waste generated and information about any recycling or source separation programs of the RGU need to be included.*

The AUAR will provide information on the estimated quantity of municipal solid waste to be generated during construction and operational phases of the development scenarios.

- c. Project Related Use/Storage of Hazardous Materials – Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location, and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spills or releases of hazardous materials. Identify measures to avoid, minimize, or mitigate**

**adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.**

*AUAR Guidance: Not required for an AUAR. Potential locations of storage tanks associated with commercial uses in the AUAR should be identified (e.g., gasoline tanks at service stations).*

The AUAR will identify any potential future storage tank locations anticipated as part of the proposed development and if any existing storage tanks are anticipated to be used under the development scenarios.

- d. Project Related Generation/Storage of Hazardous Wastes – Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize, or mitigate adverse effects from the generation/storage of hazardous wastes including source reduction and recycling.**

*AUAR Guidance: Not required for an AUAR.*

#### **14. FISH, WILDLIFE, PLANT COMMUNITIES, AND SENSITIVE ECOLOGICAL RESOURCES (RARE FEATURES)**

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- a. Describe fish and wildlife resources as well as habitats and vegetation on or near the site.**

*AUAR Guidance: The description of fish and wildlife resources should be related to the habitat types depicted on the cover types map. Any differences in impacts between development scenarios should be highlighted in the discussion.*

The majority of the land within the AUAR study area has been previously disturbed through farming and recreational use, but still provides suitable habitat within the wetland and denser wooded areas. Potential suitable habitat for listed federal and state species is present within the AUAR study area. Wildlife that can be found within the study area include birds, small mammals, and insects. No native plant communities or areas of biodiversity significance have been identified within a mile of the AUAR study area; however, an area of ecological significance is within the vicinity of the study area, approximately one mile to the southeast.

The AUAR will address the cover types for the existing conditions and the post-construction scenarios.

- b. Describe rare features such as state-listed (endangered, threatened, or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number and/or correspondence number (ERDB) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe results.**

*AUAR Guidance: For an AUAR, prior consultation with the DNR Division of Ecological Resources for information about reports of rare plant and animal species in the vicinity is required. Include the reference numbers called for on the EAW form in the AUAR and include the DNR’s response letter. If such consultation indicates the need, an on-site habitat survey for rare species in the appropriate portions of the AUAR area is required. Areas of on-site surveys should be depicted on a map, as should any “protection zones” established as a result.*

**i. State-Listed Species**

Kimley-Horn conducted a review of the DNR Natural Heritage Information System (NHIS) in April 2024 per license agreement LA2024-006 for the study area and area within a one-mile radius for state-listed threatened, endangered, and special concern species. The review identified one state-listed endangered species within the vicinity of the study area, the Loggerhead Shrike.

*Loggerhead Shrike*

The Loggerhead Shrike (*Lanius ludovicianus*) is a Minnesota state-listed endangered species and is documented within a mile of the AUAR study area. The Loggerhead Shrike is a species of open landscapes and in Minnesota is largely restricted to areas that were historically prairie or oak savanna. While Minnesota’s forested regions may have large tracts of cultivated fields and non-native grasslands, Loggerhead Shrikes rarely occur in these areas. Nests are well hidden in trees or brush and are usually less than 2 meters above the ground. Because the study area is largely agricultural, and due to the fact Loggerhead Shrike’s require relatively large areas of grassland, the potential for the Loggerhead Shrike to utilize the study area is low.

**ii. Federally Listed Species**

The U.S. Fish and Wildlife (USFWS) Service Information for Planning and Conservation (IPaC) tool was used to identify federally listed species within the vicinity of the study area. This review identified two federally-listed endangered species, Northern Long-eared Bat and Rusty Patched Bumble Bee. This review also identified one federally listed proposed endangered species, Tricolored Bat, one federally listed candidate species, monarch butterfly, and one experimental population, whooping crane. The AUAR study area was identified as within the High Potential Zone for the Rusty Patched Bumble Bee.

*Northern Long-Eared Bat*

A record for the Northern Long-eared Bat (*Myotis Septentrionalis*) is located within Dakota County. Northern long-eared bat (NLEB) was designated a federally endangered species by FWS in April 2023. According to the Minnesota DNR, in the southern part of the state, NLEB may use attics, bridges, and buildings for hibernating. In summer, the species is often found within forested habitats, especially around wetlands. Summer roosts may include under loose tree bark, in buildings, behind signs or shutters, caves, mines, and quarry tunnels. Given that the northern portion of the site area is forested,

there is potential for the Northern Long-eared Bat to utilize the site. The project may include the removal of a small quantity of trees. Potential impacts to the NLEB and mitigation measures will be discussed in the AUAR.

#### *Tricolored Bat*

The Tricolored Bat (*Perimyotis subflavus*) was proposed to be designated as a federally endangered species by the U.S. Fish and Wildlife in September 2022. According to the USFWS, during the winter, tricolored bats are often found in caves and abandoned mines. During the spring, summer, and fall, Tricolored Bats are found in forested habitats where they roost in trees, primarily among leaves of live or recently dead deciduous hardwood trees, but may also be found in Spanish moss, pine trees, and occasionally human structures. Like the Northern Long-eared Bat, the spread of white-nose syndrome across the eastern portion of the United States has become the major threat to the Tricolored Bat, with an estimated decline of more than 90% in affected colonies. According to the DNR's Rare Species Guide, there are no known maternity colonies within the state of Minnesota. Only three live hibernating individuals have been observed in Minnesota. Given that the northern portion of the site area is forested, there is potential for the Tricolored Bat to utilize the site. The project may include the removal of a small quantity of trees. Potential impacts to the tricolored bat and mitigation measures will be discussed in the AUAR.

#### *Whooping Crane*

The Whooping Crane is designated as an experimental population, non-essential species by the USFWS. Non-essential experimental populations are treated as threatened species on National Wildlife Refuge and National Park land (require consultation under 7(a)(2) of the ESA) and as a proposed species on private land (no section 7(a)(2) requirements, but Federal agencies must not jeopardize their existence (section 7(a)(4))). The preferred habitat for the species includes shallow marshes and adjacent, open grasslands. Due to the non-essential status of the species, no adverse impacts are anticipated.

#### *Monarch Butterfly*

The Monarch Butterfly is designated as a candidate species for official listing by the USFWS. The preferred habitat for this species is prairie where milkweed and flowers are present. According to the USFWS, there are many potential reasons for the butterfly's decline, including habitat loss at breeding and overwintering sites, disease, pesticides, logging at overwintering sites, and climate change. The study area has been disturbed for agricultural use, but does contain potential natural prairie vegetation; therefore, potential impacts to the Monarch Butterfly are anticipated. Potential impacts to the monarch butterfly and mitigation measures will be discussed in the AUAR.

#### *Rusty Patched Bumble Bee*

The Rusty Patched Bumble Bee (*Bombus affinis*) is listed as a federally threatened species by USFWS. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. The AUAR study area was identified within the High Potential Zone for the Rusty Patched Bumble Bee.

A correspondence letter has been requested from the DNR. Any potential impacts to wildlife habitat, federally listed species, and state-listed species will be provided in the AUAR.

- c. Discuss how the identified fish, wildlife, plant communities, rare features, and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.**

Invasive species will be controlled on site during construction, and turf grass and other ornamental landscape plants will be used on the site and may provide some additional habitat for songbirds, small mammals, and insects.

The AUAR will further investigate the potential for impacts to any federally listed species, state-listed species, or protected wildlife habitats.

- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.**

The AUAR will address any potential mitigation measures identified by the DNR to minimize and avoid adverse impacts to any protected species and wildlife habitats.

## 15. HISTORIC PROPERTIES

**Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include 1) historic designations; 2) known artifact areas; and 3) architectural features. Attach letter received from the Minnesota State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.**

*AUAR Guidance: For an AUAR, contact with the State Historic Preservation Office and State Archeologist is required to determine whether there are areas of potential impacts to these resources. If any exist, an appropriate site survey of high probability areas is needed to address the issue in more detail. The mitigation plan must include mitigation for any impacts identified.*

A State Historic Preservation Office (SHPO) database search was requested in April 2024. The AUAR will discuss the results of this database review and any potential impacts to archaeological, historical, and/or architectural resources as well as any applicable mitigation strategies.

## 16. VISUAL

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**Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.**

*AUAR Guidance: Any impacts on scenic views and vistas present in the AUAR should be addressed. This would include both direct physical impacts and impacts on visual quality or integrity. EAW Guidelines contains a list of possible scenic resources.*

*If any non-routine visual impacts would occur from the anticipated development, this should be discussed here along with appropriate mitigation.*

There are no scenic views or vistas on or near the AUAR study area. The AUAR will discuss any potential visual impacts of the proposed development scenarios on the surrounding area and any applicable mitigation strategies.

## 17. AIR

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- a. Stationary Source Emissions – Describe the type, sources, quantities, and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health, or applicable regulatory criteria. Include a discussion of any methods used to assess the project’s effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.**

*AUAR Guidance: This item is not applicable to an AUAR. Any stationary air emissions source large enough to merit environmental review requires individual review.*

No further analysis will be included in the AUAR as stationary sources such as boilers or exhaust stacks are not proposed in the development scenarios.

- b. Vehicle Emissions – Describe the effect of the project’s traffic generation on air emissions. Discuss the project’s vehicle-related emissions effect on air quality. Identify measures (e.g., traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.**

*AUAR Guidance: Although the MPCA no longer issues Indirect Source Permits, traffic-related air quality may still be an issue if the analysis in Item 18 indicates that development would cause or worsen traffic congestion. The general guidance from the EAW form should still be followed. Questions about the details of air quality analysis should be directed to MPCA staff.*

The Minnesota Department of Transportation (MnDOT) has developed a screening method designed to identify intersections that will not cause a carbon monoxide (CO) impact above state standards. MnDOT has demonstrated that even the 10 highest traffic volume intersections in the Twin Cities do not experience CO impacts. Therefore, intersections with traffic volumes lower than these 10 highest intersections will not cause a CO impact above state standards. MnDOT’s screening method demonstrates that intersections with total daily approaching traffic volumes below 82,300 vehicles per day will not have the potential for causing CO air pollution problems. None of the intersections in the study area exceed the criteria that would lead to a violation of the air quality standards.

No further air quality analysis is anticipated for the AUAR.

- c. Dust and Odors – Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under Item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.**

*AUAR Guidance: Dust and odors need not be addressed in an AUAR, unless there is some unusual reason to do so. The RGU might want to discuss as part of the mitigation plan, however, any dust control ordinances in effect.*

The AUAR will include discussion of dust control ordinances, including best management practices that would be applicable during demolition and construction within the AUAR study area.

## 18. GREENHOUSE GAS (GHG) EMISSIONS/CARBON FOOTPRINT

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- a. GHG Quantification – For all proposed projects, provide quantification and discussion of project GHG emissions. Include additional rows in the tables as necessary to provide project-specific emission sources. Describe the methods used to quantify emissions. If calculation methods are not readily available to quantify GHG emissions for a source, describe the process used to come to that conclusion and any GHG emission sources not included in the total calculation.**

### *About Greenhouse Gases (GHGs)*

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected back toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of

the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming.<sup>9</sup>

#### *Project Related GHG Emissions*

The AUAR will describe the GHG emissions from the existing buildings within the study area and include an estimated quantification of the following GHG emissions associated with the proposed scenarios

- Carbon dioxide (CO<sub>2</sub>)
- Nitrous oxide (N<sub>2</sub>O)
- Methane (CH<sub>4</sub>)

The projected GHG emissions will be provided on an average annual basis using the CO<sub>2</sub> equivalent (CO<sub>2</sub>e) and include the proposer's best estimate of average annual emissions over the proposed life/design service life of future development. The estimates will also include emissions from the construction and operating phases of the scenarios. Emissions will be estimated using the US Environmental Protection Agency's Simplified GHG Emissions Calculator (SGEC) (Version 7 June 2021)<sup>10</sup> and will be summarized by project phase (i.e., construction and operations) and source type (e.g., combustion from mobile equipment, off-site electricity).

#### **b. GHG Assessment**

##### **i. Describe any mitigation considered to reduce the project's GHG emissions.**

The AUAR will describe potential design strategies and sustainability measures for the proposed scenarios to reduce emissions.

##### **v. Describe and quantify reductions from selected mitigation, if proposed to reduce the project's GHG emissions. Explain why the selected mitigation was preferred.**

The AUAR will describe and quantify reductions from selected mitigation options.

##### **vi. Quantify the proposed project's predicted net lifetime GHG emissions (total tons per number of years) and how those predicted emissions may affect achievement of the Minnesota Next Generation Energy Act goals and/or other more stringent state or local GHG reduction goals.**

<sup>9</sup> Summarized from U.S. EPA, Overview of Greenhouse Gases: <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

<sup>10</sup> Source: <https://www.epa.gov/climateleadership/simplified-ghg-emissions-calculator>

The Next Generation Energy Act requires the state to reduce greenhouse gas emissions in the state by 80 percent between 2005 and 2050, while supporting clean energy, energy efficiency, and supplementing other renewable energy standards in Minnesota. The MPCA’s biennial GHG emissions reduction report from 2021 identifies strategies for reducing emissions in the three economic sectors with the highest emissions – transportation, electricity generation, and agriculture, forestry, and land use.

The AUAR will discuss the expected lifespan of the project and calculate how many estimated metric tons of CO<sub>2</sub> will be emitted over the project’s lifespan. The proposer will evaluate implementing the sustainability measures described in the AUAR. to reduce operational emissions to the extent practicable. The proposed project will be built in compliance with state regulations and city code.

## 19. NOISE

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**Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area; 2) nearby sensitive receptors; 3) conformance to state noise standards; and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.**

*AUAR Guidance: Construction noise need not be addressed in an AUAR, unless there is some unusual reason to do so. The RGU might want to discuss as part of the mitigation plan, however, any construction noise ordinances in effect.*

*If the area will include or adjoin major noise sources, a noise analysis is needed to determine if any noise levels in excess of standards would occur, and if so, to identify appropriate mitigation measures. With respect to traffic-generated noise, the noise analysis should be based on the traffic analysis of Item 18.*

### *Existing Noise*

The AUAR study area is currently a golf course and agricultural land. The existing noise sources at the site consist mainly of the surrounding roadways.

### *Traffic Generated Noise*

A sound increase of 3 dBA is barely noticeable by the human ear, a 5 dBA increase is clearly noticeable, and a 10 dBA increase is heard as twice as loud. For example, if the sound energy is doubled (i.e., the amount of traffic doubles), there is a 3 dBA increase in noise, which is just barely noticeable to most people. On the other hand, if traffic increases by a factor of 10, the resulting sound level will increase by about 10 dBA and be heard as twice as loud.

Traffic volumes in the project area are either on roadways that do not have receivers that are sensitive to noise, or the traffic levels attributable to the project are well below the amount that would generate a sound increase that could be noticeable.

The change in traffic noise levels is not anticipated to be readily perceptible.

### *Operational Noise*

The Farmington Code of Ordinances regulates mechanical noise associated with building operation by the standards set by the MPCA.<sup>11</sup> All future development will be required to comply with these requirements. The AUAR will include a discussion of operational noise and identify potential future studies or actions that are required for the development.

### *Construction Noise*

As stated in the AUAR guidelines, construction noise need not be addressed unless there is some unusual reason to do so. No unusual circumstances have been identified that would necessitate a detailed construction noise analysis. The City of Farmington municipal code regulates the hours of operation for construction equipment. Construction of the proposed project would comply with these requirements.

## 20. TRANSPORTATION

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- a. Describe traffic-related aspects of project construction and operation. Include 1) existing and proposed additional parking spaces; 2) estimated total average daily traffic generated; 3) estimated maximum peak hour traffic generated and time of occurrence; 4) source of trip generation rates used in the estimates; and 5) availability of transit and/or other alternative transportation modes.**

The information listed above will be provided in the traffic and transportation analysis that will be included in the AUAR. Coordination will occur with the City of Farmington and Dakota County to determine analysis scenarios and trip generation for the traffic study. The trip generation will be calculated based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> Edition.

### *Transit*

Currently, there are no convenient alternative transportation routes serving the study area. It is not anticipated that there will be significant change in transit usage.

### *Bike and Pedestrian Infrastructure*

There is currently no dedicated bike or pedestrian infrastructure serving the study area. Future City and County Bike and Pedestrian Plans will be reviewed and analyzed as part of the AUAR.

- b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance.**

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<sup>11</sup> Source: City Code of Farmington, MN accessed at [https://codelibrary.amlegal.com/codes/farmingtonmn/latest/farmington\\_mn/0-0-0-1](https://codelibrary.amlegal.com/codes/farmingtonmn/latest/farmington_mn/0-0-0-1)

*AUAR Guidance: For AUAR reviews, a detailed traffic analysis will be needed, conforming to the MnDOT guidance as listed on the EAW form. The results of the traffic analysis must be used in the response to Items 16 and 17.*

A traffic impact study will be completed as part of the AUAR because the trip generation is anticipated to exceed the 250-trip peak hour vehicle threshold. The traffic impact study will be summarized in the AUAR, including information on estimated traffic generation, traffic impacts, relevant information from relevant transportation plans and traffic studies, and potential improvements and mitigation measures. The analysis will be completed for existing conditions as well as future no-build and build conditions for the opening year of the development and the 20-year forecasted condition. The AUAR will include intersection capacity analyses for intersections adjacent to the AUAR study area and will include the review of intersection operations at site access points. The following intersections will be included in the analysis:

- Chippendale Avenue (Highway 3) and Elm Street
- Chippendale Avenue (Highway 3) and 220<sup>th</sup> Street
- Chippendale Avenue and 225<sup>th</sup> Street
- Primary Access on 220<sup>th</sup> Street
- Primary Access on 225<sup>th</sup> Street
- Secondary Access on Biscayne Avenue

**c. Identify measures that will be taken to minimize or mitigate project related transportation effects.**

The AUAR will address any mitigation measures identified through the traffic analysis.

**21. CUMULATIVE POTENTIAL EFFECTS**

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*AUAR Guidance: Because the AUAR process by its nature is intended to deal with cumulative potential effects from all future developments within the AUAR area, it is presumed that the responses to all items on the EAW form automatically encompass the impacts from all anticipated developments within the AUAR area.*

*However, the total impact on the environment with respect to any of the items on the EAW form may also be influenced by past, present, and reasonably foreseeable future projects outside of the AUAR area. The cumulative potential effect descriptions may be provided as part of the responses to other appropriate EAW items, or in response to this item.*

**a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.**

Cumulative effects are defined as the “effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of

what person undertakes the other projects or what jurisdictions have authority over the projects.”<sup>12</sup> The geographic areas considered for cumulative effects are those areas adjacent to the AUAR study area, and the timeframe considered includes projects that would be constructed in the reasonably foreseeable future.

- b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.**

The AUAR will identify any additional reasonably foreseeable projects that may interact with the environmental effects of either development scenario.

- c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.**

The AUAR will include a discussion of potential cumulative effects associated with nearby ongoing or planned projects.

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<sup>12</sup> Minnesota Rules, part 4410.0200, subpart 11a

## 22. OTHER POTENTIAL ENVIRONMENTAL EFFECTS

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*AUAR Guidance: If the project may cause any additional environmental effects not addressed by Items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.*

### *Additional Environmental Effects*

Any other potential environmental effects will be addressed in the AUAR.

## Attachment B

## Introduction

Pursuant to Minnesota Rules, part 4410.3610, subpart 5c, the Responsible Governmental Unit (RGU) shall revise the environmental analysis document based on comments received during the comment period. The RGU shall include in the document a section specifically responding to each timely, substantive comment received that indicates in what way the comment has been addressed.

The 30-day Scoping Environmental Assessment Worksheet (EAW) comment period began June 11, 2024, and comments were accepted through July 11, 2024. Three (3) comment letters were received from government agencies. One (1) comment letter was received from a member of the public. Responses to those comments are included in the following sections.

### 1. Dakota County

Comment	Response
<b><i>Environmental Resources</i></b>	
<p>The Dakota County Environmental Resources conducted an Environmental Review of the subject area relating to the proposed Draft AUAR for the Farmington Technology Park.</p> <p>The Minnesota Geological Survey recently published an updated Geological Atlas for Dakota County that can be used to answer any subsurface/geology questions that might come up during redevelopment; C-57, Geologic Atlas of Dakota County, Minnesota. Improvements to Section 11.a. Geology, Soil and Topography/Landforms could state that the first bedrock underlying the AUAR study area is the Shakopee Formation composed of dolomite, sandy dolostone, sandstone and shale. The Shakopee Formation is the upper unit of the Prairie du Chien Group and below that is the Oneota Dolomite. The last sentence "Bedrock is comprised of sandstone and chert.", does not belong. Section 11.a. states that there are no known sinkholes of unconfined/shallow aquifers located within the AUAR study area. Nearby sealing records, (H3294 and H161799), indicate that drivepoint wells, 1-1/4 inch in diameter, ranging between 14 to 16 feet deep into the quaternary aquifer are in the neighboring area with static water levels between 6 and 8 feet.</p>	<p>Comment noted. The revisions to the description of underlying bedrock will be reflected in the Draft AUAR.</p>

In the future Dakota County's GIS system (DCGIS) can be used to identify wells to complete section 12.a.ii. Groundwater. Directions for using DCGIS can be found at:  
<https://www.co.dakota.mn.us/Environment/WaterResources/WellsDrinkingWater/Pages/private-wellinformation.aspx>

Environmental Resources staff reviewed any previous audits, historic plat maps, sanborns, historic aerial photography, well construction records, well sealing records and/or well disclosure statements that Dakota County has available for taxpins 140050001012, 070050076012 and 070050076011.

- Taxpin 140050001012 There are three available well records: W05838, 263614 and W05196. In addition, there is habitation first visible in a 1937 aerial photograph in the SE corner of the parcel. There are no well records located in this area, but the inhabitants would have required a water supply well.
  - W05838 is an irrigation well drilled in 1997. It was last listed as active in 2011.
  - 263614 is a Public Supply/Non-Community well that was last listed as active in 2014.
  - W05196 is a Public Supply/Non-Community well that was drilled 1977.
  - 263614 and W05196 are shown as being in the same location and having the same use. These two ID's may be referring the same well that was given different identifiers over time, or one well may have failed and a replacement well was drilled in the same location.
- Taxpin 070050076012 There is one available well record W05102 and one well disclosure record.
  - W05102 is a domestic well that was last listed as active in 1999. A well disclosure describes an inuse well that was last listed as active in 2004. The well disclosure may be referring to the same well.
- Taxpin 070050076011 There are two available well records W05103 and 270148.
  - W05103 is an irrigation well that was last listed as active in 1999.
  - 270148 is an irrigation well drilled in 1977. It was last listed as active in 2008.
  - W05103 and 270148 are shown as being in the same location and having the same use. These two ID's may be referring the same well that was given different identifiers over time, or one well may have failed and a replacement well was drilled in the same location.

Comment noted. The wells within the AUAR study area and in the vicinity will be documented in the Draft AUAR. Wells would be sealed by a licensed well contractor prior to redevelopment within the AUAR study area. This will be noted in the Draft AUAR.

Comment	Response
<p>If any of the above wells are no longer in use, they must be sealed by a licensed well contractor. Redevelopment crews should be notified of the presence of wells and any wells encountered should be protected from damage and contamination. If any wells are discovered during redevelopment, they should be examined by a licensed well contractor or a Dakota County well inspector to determine the status. A magnetometer is the best, sometimes only way to locate wells that are below grade. Dakota County can help locate and mark wells using a magnetometer by calling 952-891-7537. Magnetometers work best on a clear site free from large metal obstructions. A Dakota County well inspector must be present during any well searches to rule out the presence of a well. Information about property transfer requirements in Dakota County as they pertain to wells is on our webpage at: <a href="https://www.co.dakota.mn.us/HomeProperty/SellingProperty/WellRequirements">https://www.co.dakota.mn.us/HomeProperty/SellingProperty/WellRequirements</a> .</p>	
<p>Section 13.a. Pre-project Site Conditions should be expanded to included an environmental investigation of legacy pesticides use on the golf course property. The MN Department of Agriculture has a factsheet at <a href="http://www.mda.state.mn.us/sites/default/files/inline-files/golfcoursecontamination_1.pdf">www.mda.state.mn.us/sites/default/files/inline-files/golfcoursecontamination_1.pdf</a> that outlines the concerns for high levels of mercury and arsenic in the soil at golf courses from use of certain pesticides. The factsheet recommends, at a minimum, test soil for arsenic, barium, chromium, lead, mercury, selenium, silver and other pesticides applied to the greens and tee boxes as well as collecting water sample at adjacent surface water bodies which can include the wetlands mapped on Figure 9 and the shallow groundwater via temporary environmental borings. Due to the shallow depth to water and the AUAR study area intersecting the Vermillion River, the use of all chemicals including pesticides and deicing salt should be minimized. Conservation of water is encouraged whether it is for industry, residential or irrigation use.</p>	<p>Comment noted. Additional environmental testing of the current golf course is anticipated prior to redevelopment of this portion of the study area. If regulated contaminants are identified during the additional testing, soil and groundwater clean up will occur as needed based on current state and federal requirements.</p>

Comment	Response
<p>The Draft scoping document states “the AUAR will review the Minnesota Pollution Control Agency’s (MPCA) What’s In My Neighborhood database and Dakota County’s site inventory to determine if any known contaminated properties or potential environmental hazards are located within and adjacent to the AUAR study area. A Phase I Environmental Site Assessment will be completed prior to development.” Known or suspected sites of environmental concern were identified directly adjacent to the subject property. Dakota County Site Inventory identifies Site #9006 – Angus Dump, located adjacent to the southeast corner of the subject property. A limited investigation was conducted in 2004 identifying low level impacts in soil and groundwater at the dump site.</p> <p>Buried debris is present under a thin layer of soil and vegetation. The MPCA WIMN database identifies VIC Site VP19850 at 2806 225th St West. The file indicates reports reviewed and site closed in 2004, refer to MPCA What's in my neighborhood (state.mn.us) website for more information. A Flint Hills Resources pipeline is present south of the subject property. Contact Environmental Resources at 952-891-7000 or environ@co.dakota.mn.us with questions or for additional information.</p>	<p>Comment noted. If additional information from the Phase I ESA is available, it will be documented in the Draft AUAR. It is noted that further investigation and potential clean up may be needed for the AUAR study area prior to development.</p>
<b><i>Transportation</i></b>	
<p>County Transportation staff has determined that the proposed AUAR will have little or no impact to the county road system.</p>	<p>Thank you for your review. Comment noted.</p>

## 2. Metropolitan Council

Comment	Response
<b><i>Climate Adaption and Resilience</i></b>	
<p>The proposed scope of discussion for the climate item identifies appropriate resources for projecting climate trends and the proposed discussion of mitigation strategies is appropriate. The presence of a stream, floodplain, and large wetland in the southern portion of the site may justify a more robust discussion of and mitigation strategy for precipitation and flood risk trends than would ordinarily be required.</p>	<p>Comment noted. The stream and floodplain is anticipated to be avoided by project development in the AUAR study area. Additional information will be discussed and incorporated into the Draft AUAR.</p>
<b><i>Land Use</i></b>	
<p>Depending on the scenario pursued and final project designs of platted land, the City may need to amend its adopted 2040 Plan. For MUSA extension south of 225th Street, the City will need amend the 2040 Plan to change the staging from outside the MUSA to within the current 2030 MUSA.</p>	<p>The 2040 Comprehensive Plan amendment to re-guide the staging to within the MUSA will be noted in the Draft AUAR</p>
<p>Farmington and much of Castle Rock Twp). The Council's Transportation Analysis Zones database lists zone #711 adding no households, no population, and +123 jobs during 2020-2040. Should either of the two AUAR scenarios be pursued, the TAZ allocation for employment will need to be revised higher.</p> <p>Expected employment is not stated in the scoping AUAR; Council staff find the employment impact could be in the 100 to 1,200 jobs range: Scenario 1 could add +1,200 jobs in this zone. Scenario 2 could add +100 jobs, +675 households and +1,600 population. Met Council staff can consider a communitywide forecast adjustment at the time of a comprehensive plan amendment for this site. If a communitywide forecast adjustment is not needed, the TAZ #711 amounts can be offset with reductions to other zones in the City.</p>	<p>Comment noted. Increases of TAZ allocations within the study area will be coordinated with the Metropolitan Council as necessary.</p>

Comment	Response
<b>Water Resources</b>	
<p>The proposed projects and increased wastewater flow generated by the proposed new uses represent an added level of wastewater flow that may exceed the capacity of the existing regional wastewater conveyance system. This situation creates a potential risk of system backups resulting in untreated sewage flowing into basements and spills into the environment. The final AUAR will need to include additional information on potential wastewater flow from the proposed development scenarios to assess impacts on the Regional Wastewater System.</p>	<p>Comment noted. Wastewater flow estimates and any potential changes to municipal wastewater infrastructure as a result of the proposed project will be discussed in the Draft AUAR.</p>
<p>Council Staff encourages the developer to limit the removal of mature native trees located on the Fountain Valley Golf Course. Where removal cannot be avoided, Staff recommend replacement with native tree stands and selecting and installing vegetation for landscaping that is native, draught-tolerant, chloride-tolerant or chloride-friendly. The southern portion of the study area includes the South Branch of the Vermillion River and is subject to the Minnesota Buffer Law (Minn. Stat. § 103F.48) and its requirements for protection.</p> <p>The reach of the South Branch of the Vermillion River located in the study area is not a designated trout stream, however the AUAR site is upstream of a designated trout stream and impact to this reach will affect the downstream sections. Changes in base flow, chemistry, and temperature can all significantly impact downstream trout habitat. These could be influenced by groundwater wells as well as discharge from future development. Measures to mitigate and monitor to prevent impacts should be taken and it is recommended that DNR Fisheries staff review development plans.</p>	<p>Comment noted. The proposed project will avoid impacts to the South Branch of the Vermillion River as feasible. Further mitigation to avoid impacts to the downstream habitat may be coordinated with the DNR.</p>

### 3. Vermillion River Watershed Joint Powers Organization

Comment	Response
Page 6, Figure 3: There appears to be a pocket of wetlands shown in Figure 9 that are not represented on Figure 3. Please show these wetlands on Figure 3. Please provide the correct buffer setbacks as listed in table 4 to provide an accurate depiction of developable area for Scenario 1.	The additional delineated wetlands will be documented in the Draft AUAR.
Page 7, Figure 4: Please see comment #1 above and make any necessary adjustments to Figure 4.	The additional delineated wetlands will be documented in the Draft AUAR.
Page 12, Table 3: for the VRWJPO Type of Application, please revise text to read " Review of Diversions, Intercommunity flows (upon request from adjoining communities), project site size of 40 acres or more, and projects that are adjacent to or appear to impact watercourses or unique natural resources".	This revision will be made in the Draft AUAR.

### 4. Public Comment: Drea Doffing

Comment	Response
<b>Data Center Water Usage</b>	
It was mentioned in the scoping document for how many gallons of water needed on a daily basis for the West data center, project Bengal, for scenario 1 & scenario 2. For the AUAR scoping document for the second project, on 225th Street West. Scenario 1 & 2. it does not mention how many gallons of water will be needed per day. Data Centers are water guzzlers.	Water demand estimates will be documented in the Draft AUAR.
<b>Noise</b>	
For the potential data center on 225th Street W.,Farmington, MN: the AUAR scoping document should include the potential health hazards to people residing in homes next to the data centers with all the noise.	Potential noise and additional mitigation strategies and setbacks will be discussed in the Draft AUAR.
<b>Environmental Impact Studies</b>	

Comment	Response
<p>MN State Statue 4410.4300  MN State Statue 116D.04, subd. 2(e), Vermillion River – the trout fishing, the ponds/parks (Prairie View Park) on the North side of Fountain Valley Golf Course, etc...</p>	<p>Comment noted. Additional information regarding the Vermillion River and public parks within the project vicinity will be discussed.</p>
<b>Transparency</b>	
<p>Please reference Cathy's Johnson's letter, 22280 Berring Ave. Farmington, MN 55024, submitted July 9, 2024 requesting a citizen from each neighborhood, (Executive Estates/Countryside Estates), to sit on the AUAR Scoping document committee for the duration of this review.</p>	<p>Comment noted. The process for an AUAR scoping for large projects as outlined in Mn Rules 4410.3610 Subp 5a.</p>
<b>Home Values</b>	
<p>Would also like to see the affects of data centers near the residential homes &amp; the inability to sell them because values will be decreased. Hundreds of homes are affected by this project. CDC recommends not to put data centers near residential homes. Nothing is mentioned in the AUAR scoping document in regards to this matter.</p> <p>What should happen: is to promote orderly development, and its surrounding environment on land use- . and planning issues affecting both sides of the project, Castle Rock Township residents and Farmington residents that are on both sides of the AUAR scoping document scenarios. How compatible is the zoning of data centers to residential homes next to scenario 1 &amp; 2 on 225th St W., Farmington, MN.</p>	<p>Comment noted. Property values and economic information is not addressed in an AUAR.</p> <p>A discussion on Land Use and Zoning Compatibility will be included in the Draft AUAR.</p>

**5. Minnesota Department of Natural Resources**

Comment	Response
<p><b>12.b.iii. Water Appropriation (pg. 33):</b>            Given that the excess capacity in the City of Farmington municipal system is already planned to be used for the Farmington West Industrial Area (Project Bengal), it seems that the existing water infrastructure will not suffice for supplying the high water demands of a data center at this location. Furthermore, DNR technical review of the City of Farmington’s water supply (see 11/12/2020 Groundwater Tech Memo in MPARS Permit# 1959-0725) shows challenges with siting new wells in the city. Proximity to the Vermillion River and its protected status as a trout stream, and interconnections among the Prairie du Chien/Jordan, Jordan, and quaternary aquifers show that pumping in many areas of the city could be unsustainable. Additionally, there are many private domestic wells located around the City, and especially surrounding the proposed site. It may be difficult to obtain large increases in water appropriation volume due to the sustainability standard (MN statute 103G.287 Subd.5). The City should explicitly lay out its plans to secure additional water, and the potential effects of additional pumping on natural resources and private domestic wells.</p>	<p>Comment noted. The City has not assigned excess capacity to any specific projects. The City anticipates that to accommodate future growth, additional water supply will be needed and will required increase to our appropriation permit from the MnDNR at the appropriate time. Additional information related to water supply demand will be included in the Draft AUAR.</p>



June 25, 2024

Mr. Tony Wippler  
Planning Manager, City of Farmington  
430 Third Street  
Farmington, MN 55024

**RE: Draft Order for the Farmington Technology Park AUAR Scoping Document**

The Vermillion River Watershed Joint Powers Organization (VRWJPO) appreciates the opportunity to review and comment on the June 2024 Scoping Document from Kimley-Horn for the Farmington Technology Park Alternative Urban Areawide Review (AUAR). Staff has reviewed this scoping document and have the following comments:

- 1) Page 6, Figure 3: There appears to be a pocket of wetlands shown in Figure 9 that are not represented on Figure 3. Please show these wetlands on Figure 3. Please provide the correct buffer setbacks as listed in table 4 to provide an accurate depiction of developable area for Scenario 1.
- 2) Page 7, Figure 4: Please see comment #1 above and make any necessary adjustments to Figure 4.
- 3) Page 12, Table 3: for the VRWJPO Type of Application, please revise text to read " Review of Diversions, Intercommunity flows (upon request from adjoining communities), project site size of 40 acres or more, and projects that are adjacent to or appear to impact watercourses or unique natural resources".

Thank you for the opportunity to review and comment on the Farmington Technology Park AUAR Scoping Document.

Sincerely,

Jeff Dunn  
VRWJPO Water Resources Engineer

Travis Thiel  
VRWJPO Administrator



July 10, 2024

Tony Wippler, Planning Manager  
City of Farmington  
430 Third Street  
Farmington, MN 55024

**RE: City of Farmington – Draft Alternative Urban Areawide Review (AUAR) – Farmington Technology Park**  
Metropolitan Council Review File No. 22985-1  
Metropolitan Council District No. 16

Dear Tony Wippler:

Metropolitan Council staff completed its review of the Farmington Technology Park Draft AUAR to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the AUAR is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. However, staff offers the following comments for your consideration:

**Item 7 Climate Adaption and Resilience** (MacKenzie Young-Walters 651-602-1373)

The proposed scope of discussion for the climate item identifies appropriate resources for projecting climate trends and the proposed discussion of mitigation strategies is appropriate. The presence of a stream, floodplain, and large wetland in the southern portion of the site may justify a more robust discussion of and mitigation strategy for precipitation and flood risk trends than would ordinarily be required.

**Item 10 a. ii. Land Use: Farmington Comprehensive Plan** (Patrick Boylan 651-602-1438)

Depending on the scenario pursued and final project designs of platted land, the City may need to amend its adopted 2040 Plan. For MUSA extension south of 225th Street, the City will need amend the 2040 Plan to change the staging from outside the MUSA to within the current 2030 MUSA.

**Item 10 Land Use** (Todd Graham 651-602-1313)

The AUAR site is a very small part of Transportation Analysis Zone #711 (which includes southeast Farmington and much of Castle Rock Twp). The Council's Transportation Analysis Zones database lists zone #711 adding no households, no population, and +123 jobs during 2020-2040. Should either of the two AUAR scenarios be pursued, the TAZ allocation for employment will need to be revised higher.

Expected employment is not stated in the scoping AUAR; Council staff find the employment impact could be in the 100 to 1,200 jobs range: Scenario 1 could add +1,200 jobs in this zone. Scenario 2 could add +100 jobs, +675 households and +1,600 population. Met Council staff can consider a communitywide forecast adjustment at the time of a comprehensive plan amendment for this site. If a communitywide forecast adjustment is not needed, the TAZ #711 amounts can be offset with reductions to other zones in the City.

**Item 12 Water Resources** (Roger Janzig [Roger.janzig@metc.state.mn.us](mailto:Roger.janzig@metc.state.mn.us))

The proposed projects and increased wastewater flow generated by the proposed new uses represent an added level of wastewater flow that may exceed the capacity of the existing regional wastewater conveyance system. This situation creates a potential risk of system backups resulting in untreated sewage flowing into basements and spills into the environment. The final AUAR will need to include additional information on potential wastewater flow from the proposed development scenarios to assess impacts on the Regional Wastewater System.

**Item 12 a.i. Surface Water** (Steve Christopher 651-602-1033)

Council Staff encourages the developer to limit the removal of mature native trees located on the Fountain Valley Golf Course. Where removal cannot be avoided, Staff recommend replacement with native tree stands and selecting and installing vegetation for landscaping that is native, draught-tolerant, chloride-tolerant or chloride-friendly. The southern portion of the study area includes the South Branch of the Vermillion River and is subject to the Minnesota Buffer Law (Minn. Stat. § 103F.48) and its requirements for protection.

The reach of the South Branch of the Vermillion River located in the study area is not a designated trout stream, however the AUAR site is upstream of a designated trout stream and impact to this reach will affect the downstream sections. Changes in base flow, chemistry, and temperature can all significantly impact downstream trout habitat. These could be influenced by groundwater wells as well as discharge from future development. Measures to mitigate and monitor to prevent impacts should be taken and it is recommended that DNR Fisheries staff review development plans.

The Council will not take formal action on the Draft AUAR. If you have any questions or need further information, please contact Patrick Boylan, Principal Reviewer, at 651-602-1438 or via email at [Patrick.Boylan@metc.state.mn.us](mailto:Patrick.Boylan@metc.state.mn.us).

Sincerely,



Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Wendy Wulff, Metropolitan Council District No. 16  
Judy Sventek, Water Resources Manager  
Patrick Boylan, Sector Representative/ Principal Reviewer  
Reviews Coordinator

*N:\CommDev\LPA\Communities\Farmington\Letters\Farmington 2024 Farmington Technology Park Draft AUAR Ok 22985-1.docx*

July 9, 2024  
Tony Wippler  
City of Farmington  
430 Third Street  
Farmington, MN 55024

Thank you for the opportunity to review and comment on the Alternative Urban Areawide Review (AUAR) for the Farmington Technology Park. Physical Development staff has reviewed this scoping document and have the following comments.

#### Environmental Resources

The Dakota County Environmental Resources conducted an Environmental Review of the subject area relating to the proposed Draft AUAR for the Farmington Technology Park.

The Minnesota Geological Survey recently published an updated Geological Atlas for Dakota County that can be used to answer any subsurface/geology questions that might come up during redevelopment; [C-57, Geologic Atlas of Dakota County, Minnesota](#). Improvements to Section 11.a. Geology, Soil and Topography/Landforms could state that the first bedrock underlying the AUAR study area is the Shakopee Formation composed of dolomite, sandy dolostone, sandstone and shale. The Shakopee Formation is the upper unit of the Prairie du Chien Group and below that is the Oneota Dolomite. The last sentence “Bedrock is comprised of sandstone and chert.”, does not belong. Section 11.a. states that there are no known sinkholes of unconfined/shallow aquifers located within the AUAR study area. Nearby sealing records, (H3294 and H161799), indicate that drivepoint wells, 1-1/4 inch in diameter, ranging between 14 to 16 feet deep into the quaternary aquifer are in the neighboring area with static water levels between 6 and 8 feet.

In the future Dakota County’s GIS system (DCGIS) can be used to identify wells to complete section 12.a.ii. Groundwater. Directions for using DCGIS can be found at:  
<https://www.co.dakota.mn.us/Environment/WaterResources/WellsDrinkingWater/Pages/private-well-information.aspx>

Environmental Resources staff reviewed any previous audits, historic plat maps, sanborns, historic aerial photography, well construction records, well sealing records and/or well disclosure statements that Dakota County has available for taxpins 140050001012, 070050076012 and 070050076011.

- Taxpin 140050001012 There are three available well records: W05838, 263614 and W05196. In addition, there is habitation first visible in a 1937 aerial photograph in the SE corner of the parcel. There are no well records located in this area, but the inhabitants would have required a water supply well.
  - W05838 is an irrigation well drilled in 1997. It was last listed as active in 2011.
  - 263614 is a Public Supply/Non-Community well that was last listed as active in 2014.
  - W05196 is a Public Supply/Non-Community well that was drilled 1977.

#### **Physical Development Division**

- 263614 and W05196 are shown as being in the same location and having the same use. These two ID's may be referring the same well that was given different identifiers over time, or one well may have failed and a replacement well was drilled in the same location.
- Taxpin 070050076012 There is one available well record W05102 and one well disclosure record.
  - W05102 is a domestic well that was last listed as active in 1999. A well disclosure describes an in-use well that was last listed as active in 2004. The well disclosure may be referring to the same well.
- Taxpin 070050076011 There are two available well records W05103 and 270148.
  - W05103 is an irrigation well that was last listed as active in 1999.
  - 270148 is an irrigation well drilled in 1977. It was last listed as active in 2008.
  - W05103 and 270148 are shown as being in the same location and having the same use. These two ID's may be referring the same well that was given different identifiers over time, or one well may have failed and a replacement well was drilled in the same location.

If any of the above wells are no longer in use, they must be sealed by a licensed well contractor. Redevelopment crews should be notified of the presence of wells and any wells encountered should be protected from damage and contamination. If any wells are discovered during redevelopment, they should be examined by a licensed well contractor or a Dakota County well inspector to determine the status. A magnetometer is the best, sometimes only way to locate wells that are below grade. Dakota County can help locate and mark wells using a magnetometer by calling 952-891-7537. Magnetometers work best on a clear site free from large metal obstructions. A Dakota County well inspector must be present during any well searches to rule out the presence of a well. Information about property transfer requirements in Dakota County as they pertain to wells is on our webpage at <https://www.co.dakota.mn.us/HomeProperty/SellingProperty/WellRequirements> .

Section 13.a. Pre-project Site Conditions should be expanded to include an environmental investigation of legacy pesticides use on the golf course property. The MN Department of Agriculture has a factsheet at [www.mda.state.mn.us/sites/default/files/inline-files/golfcoursecontamination\\_1.pdf](http://www.mda.state.mn.us/sites/default/files/inline-files/golfcoursecontamination_1.pdf) that outlines the concerns for high levels of mercury and arsenic in the soil at golf courses from use of certain pesticides. The factsheet recommends, at a minimum, test soil for arsenic, barium, chromium, lead, mercury, selenium, silver and other pesticides applied to the greens and tee boxes as well as collecting water sample at adjacent surface water bodies which can include the wetlands mapped on Figure 9 and the shallow groundwater via temporary environmental borings. Due to the shallow depth to water and the AUAR study area intersecting the Vermillion River, the use of all chemicals including pesticides and deicing salt should be minimized. Conservation of water is encouraged whether it is for industry, residential or irrigation use.

The Draft scoping document states “the AUAR will review the Minnesota Pollution Control Agency’s (MPCA) What’s In My Neighborhood database and Dakota County’s site inventory to determine if any known contaminated properties or potential environmental hazards are located within and adjacent to the AUAR study area. A Phase I Environmental Site Assessment will be completed prior to development.” Known or suspected sites of environmental concern were identified directly adjacent to the subject property. Dakota County Site Inventory identifies Site #9006 – Angus Dump, located adjacent to the southeast corner of the subject property. A limited investigation was conducted in 2004 identifying low level impacts in soil and groundwater at the dump site.

## Physical Development Division

Buried debris is present under a thin layer of soil and vegetation. The MPCA WIMN database identifies VIC Site VP19850 at 2806 225th St West. The file indicates reports reviewed and site closed in 2004, refer to MPCA [What's in my neighborhood \(state.mn.us\)](#) website for more information. A Flint Hills Resources pipeline is present south of the subject property.

Contact Environmental Resources at 952-891-7000 or [environ@co.dakota.mn.us](mailto:environ@co.dakota.mn.us) with questions or for additional information.

#### Transportation

County Transportation staff has determined that the proposed AUAR will have little or no impact to the county road system.

If you have any questions relating to our comments, please contact me at 952-891-7007 or [Georg.Fischer@co.dakota.mn.us](mailto:Georg.Fischer@co.dakota.mn.us)

Sincerely,



Georg T Fischer, Director  
Physical Development Division

cc: Commissioner Mike Slavik, District 1  
Thomas V. Novak, Interim County Manager

#### **Physical Development Division**

**P** 952-891-7000 **F** 952-891-7031 **W** [www.dakotacounty.us](http://www.dakotacounty.us)  
**A** Dakota County Western Service Center • 14955 Galaxie Ave. • Apple Valley • MN 55124

July 11, 2024

RE: Public Comment for AUAR Scoping Document July 11, 2024

City of Farmington  
Tony Wippler  
Planning Manager  
430 3rd Street  
Farmington, MN. 55024



To: Joshua Hoyt, Mayor and City Council member  
Dirk Rotty, Chair of Planning Commission, City of Farmington

**Please see the noted topics to include in your AUAR scoping document for scenario 1 & 2 at 225th St W., Fountain Valley Golf Course/School District #192 parcels, Farmington, MN 55024:**

**Data center water usage:**

It was mentioned in the scoping document for how many gallons of water needed on a daily basis for the West data center, project Bengal, for scenario 1 & scenario 2. For the AUAR scoping document for the second project, on 225th Street West, Scenario 1 & 2, it does not mention how many gallons of water will be needed per day. Data Centers are water guzzlers.

**Noise:**

For the potential data center on 225th Street W., Farmington, MN: the AUAR scoping document should include the potential health hazards to people residing in homes next to the data centers with all the noise.

**Environmental Impact Studies:**

MN State Statue 4410.4300

MN State Statue 116D.04, subd. 2(e), Vermillion River - the trout fishing, the ponds/parks (Prairie View Park) on the North side of Fountain Valley Golf Course, etc.....

**Transparency:**

Please reference Cathy's Johnson's letter, 22280 Berring Ave. Farmington, MN 55024, submitted July 9, 2024 requesting a citizen from each neighborhood, (Executive Estates/Countryside Estates), to sit on the AUAR Scoping document committee for the duration of this review.

**Home Values**

Would also like to see the affects of data centers near the residential homes & the inability to sell them because values will be decreased. Hundreds of homes are affected by this project. CDC recommends not to put data centers near residential homes. Nothing is mentioned in the AUAR scoping document in regards to this matter.

What should happen: is to promote orderly development, and its surrounding environment on land use and planning issues affecting both sides of the project, Castle Rock Township residents and Farmington residents that are on both sides of the AUAR scoping document scenarios. How compatible is the zoning of data centers to residential homes next to scenario 1 & 2 on 225th St W., Farmington, MN.

Drea Doffing  
2255 225th St W.  
Farmington, MN 55024

dreadoffing@gmail.com  
651-983-4914

Payne, Ashley

---

Subject: FW: [EXTERNAL] Farmington Technology Park AUAR Scoping - DNR Comments

From: Collins, Melissa (DNR) <[Melissa.Collins@state.mn.us](mailto:Melissa.Collins@state.mn.us)>  
Sent: Tuesday, July 16, 2024 3:24 PM  
To: [twippler@farmingtonmn.gov](mailto:twippler@farmingtonmn.gov)  
Cc: [kevin.arrow@tract.com](mailto:kevin.arrow@tract.com); Mielke, Sara (DNR) <[sara.mielke@state.mn.us](mailto:sara.mielke@state.mn.us)>  
Subject: [EXTERNAL] Farmington Technology Park AUAR Scoping - DNR Comments

Dear Tony Wippler,

The DNR would like to highlight one topic in particular to address in the upcoming Farmington Technology Park Draft AUAR. We apologize for the late reply, and hope that you will accept the following comment:

12.b.iii. Water Appropriation (pg. 33):

Given that the excess capacity in the City of Farmington municipal system is already planned to be used for the Farmington West Industrial Area (Project Bengal), it seems that the existing water infrastructure will not suffice for supplying the high water demands of a data center at this location. Furthermore, DNR technical review of the City of Farmington's water supply (see 11/12/2020 Groundwater Tech Memo in MPARS Permit# 1959-0725) shows challenges with siting new wells in the city. Proximity to the Vermillion River and its protected status as a trout stream, and interconnections among the Prairie du Chien/Jordan, Jordan, and quaternary aquifers show that pumping in many areas of the city could be unsustainable. Additionally, there are many private domestic wells located around the City, and especially surrounding the proposed site. It may be difficult to obtain large increases in water appropriation volume due to the sustainability standard (MN statute 103G.287 Subd.5). The City should explicitly lay out its plans to secure additional water, and the potential effects of additional pumping on natural resources and private domestic wells.

Please let me know if you have any questions.

Thank you,

Melissa Collins  
Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Pronouns: She/her/hers

Minnesota Department of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106  
Phone: 651-259-5755  
Email: [melissa.collins@state.mn.us](mailto:melissa.collins@state.mn.us)  
[mndnr.gov](http://mndnr.gov)





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