

**COUNCIL MEETING  
JANUARY 22, 2008  
7:00 P.M.  
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**CITY OF DAYTON, MINNESOTA  
12260 S. DIAMOND LAKE ROAD  
HENNEPIN/WRIGHT COUNTIES**

**PRESENT:** Mayor Doug Anderson; and Council members Phil Forseth, Scott Hoke, J. Kevin Anderson, and Tim McNeil

**ABSENT:** none

**ALSO PRESENT:** Administrator Samantha Orduno, City Clerk Sandra Borders, Assistant to Administrator Erin Stwora, Finance Director Richard Hill, Police Chief Richard Pietrzak, Public Works Superintendent Rick Hass, City Engineer Mark Hanson, and Administrative Assistant/minute-taker Debbie Maveus

**CALL TO ORDER** - 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**MOTION:** Motion made by Forseth, seconded by McNeil, to approve the Agenda of the January 22, 2008 Regular Council Meeting.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, McNeil  
**MOTION DECLARED PASSED.**

Nays: none

**CONSENT AGENDA:**

- A. Approval of Council Meeting minutes of January 8, 2008
- B. Payment of Claims – January 22, 2008
- C. Planning Commission meeting minutes of December 6, 2007
- D. Resolution #07-2008: Gambling Permit for Dayton Lions @ Dayton Bar & Grill
- E. Resolution 06-2008: Bonestroo Recognition Resolution
- F. Approval of Fire Department Election of Officers for 2008
- G. Release of Lot Equivalent Agreement with Michael Vredenburg – 11411 – 129<sup>th</sup> Avenue N. **S.R.#11-2008**
- H. Hiring of Additional Part-time Officer for Police Department **S.R.#12-2008**
- I. Ordinance #2008-01: Amending Dayton Subdivision Ordinance re: Administrative Subdivision & Lot Design Standards – language change **S.R.#13-2008**
- J. National League of Cities Congressional City Conference – Approval of Mayor to attend & related expenses **S.R.#14-2008**
- K. Ordinance #2008-04: Repealing Ord.#2007-01 re: Sign Moratorium **S.R.#15-2008**

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**MOTION:** Motion made by McNeil, seconded by K. Anderson, to approve the Consent Agenda of January 22, 2008.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, McNeil  
*MOTION DECLARED PASSED.*

Nays: none

### **OPEN FORUM**

Joan Molenaar, came forward to mention the Together for Kids 2008 Award Nomination Ballot that she handed out. She explained that they are looking for kids or adults that are role models for children/youth. The Council and citizens were informed on what they could do to nominate someone. She relayed that the presentation would be April 12<sup>th</sup>, with the Dayton Lions helping at the brunch 9 – 10:30 a.m. The deadline for nominations is March 12<sup>th</sup>.

### **PRESENTATIONS**

#### **ITEM L -- STATE OF THE CITY ADDRESS – MAYOR ANDERSON**

The 2007 Annual Report was delivered to the City Council and Department Heads, and Mayor Anderson reviewed some of the information for the State of the City Address. A PowerPoint was provided including the new Council members, Council's Future Objectives including the I-94/Brockton Lane Interchange, New Employees or positions, Human Resources, NE Dayton Project including a new water tower and well, SW Dayton Improvement Project, Finance, Planning & Economic Development Division – Concept Plan Reviews, Environmental Ordinances and Feasibility Reports, Studies, 2008 Goals and Ongoing Projects, 2007 Approved Residential/Industrial/Municipal Developments, 2030 Comprehensive Plan Update, Building Services Division & Statistics, Planning/Park/Public Safety Commissions, Police/Fire/Public Works Departments, and 2008 Priorities.

#### **ITEM M -- LEGISLATIVE & REGIONAL UPDATE:**

*Senator Warren Limmer* – Friday Staff received a call he was canceling.

*Representative Joyce Pepin* – She presented an overview of what she was involved in and had done the previous year, her recommendations on the economy/budget shortfall, jobs perspectives, income tax and bonding issues, transportation, education, and health care, as well as her pet project of nuclear power. She relayed she would continue to help Dayton on the Brockton/I-94 Interchange issue. Staff mentioned her Saturday, February 9<sup>th</sup> Town Meeting at Dayton City Hall from 11:30 a.m. to 1:00 p.m.

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*Metropolitan Council Commissioner Roger Scherer* – He updated the Council on the Comprehensive Plan and review and grants/loans they awarded to Dayton for it, sewer and wastewater needs and recommendations, their Transportation Policy and Water Source Plans, and new city resources of mapping. Council member Anderson had questions why other states did not have Met Council-type agencies for regional governments/planning, to which Mr. Scherer responded. It was noted that February 4<sup>th</sup> was the Met Council Regional Update meeting.

*Three Rivers Park District #2 Commissioner Marilyn Corcoran* – Her title was corrected, for the record. She mentioned the Rush Creek Trail Open House at Eastman Nature Center January 31<sup>st</sup> from 6:00 – 8:00 p.m. She handed out a Major Three Rivers Park District Project & Initiatives – City of Dayton, and Update on Projects in the Dayton area – dated January 22, 2008. She reviewed the particularly important items in her District, including Eastman Nature Center improvements, improved swimming pond at Elm Creek, plans to install new play area, Elm Creek winter recreation area & chalet, new entrance road to the Elm Creek recreation areas, Rush Creek Regional Trail draft master plan, and Elm Creek area water quality. She also mentioned projects taking place in other areas of the Park District. Administrator Orduno commented/requested preserving/focusing on river corridor and getting Dayton recognized for having the Park located in their City limits, for marketing. Commissioner Corcoran informed Staff of the Park’s new marketing person starting this month, and Orduno suggested she have a meeting with that person, which Corcoran confirmed could take place.

*Hennepin County Commissioner Penny Steele* – Her Staff called today to inform she was unable to attend

## **PUBLIC HEARING**

### **ITEM N – WEST FRENCH LAKE UTILITY IMPROVEMENTS**

**S.R.#16-2008**

Engineer Hanson reviewed that the Council at their November 27<sup>th</sup> meeting approved the Feasibility Report and scheduled the Public Hearing for the West French Lake Utility Improvements for this evening. At their December 11<sup>th</sup> meeting, Staff was directed to hold an informational meeting with the affected property owners to review the project, which was done January 3<sup>rd</sup>.

The Feasibility Report identifies sanitary sewer, water, storm sewer and street improvements to serve the included properties which have been separated into four parts, project costs estimated at \$6,075,000 and preliminary assessments. Parcels included are some north of 124<sup>th</sup> Avenue between Dayton/Hassan border and French Lake, between Brockton Lane and French Lake south of 124<sup>th</sup> and north of County Road #81, and some along Territorial Road east of Brockton Lane.

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Engineering staff has been contacted by the Minnesota Pollution Control Agency (MPCA) regarding the on site sanitary treatment facility owned by Dayton Park Properties. The MPCA is requiring the mobile home park to present improvement options in an Influent Reduction Plan and Facility Plan to address the inadequacies in the treatment system. Staff is recommending the Council review the information presented at the Public Hearing and approve or deny the project or continue the Public Hearing to get more information. If approved, they should authorize preparation of plans and specifications for West French Lake Utility Improvements.

A PowerPoint was handed out by Engineer Hanson, dated January 22, 2008, reviewing the Project Limits, Land Use, Sanitary Sewer Service Area, Water Main Improvements, Storm Sewer & Street Improvements, Territorial Road and Troy Lane Typical Sections, Project Costs, Assessment Rate, Assessment Limits of Parts 1-4, Method of Payment, Revenue, Cost/Revenue by Parts, Schedule, and Next Steps. It was noted that maintenance overlay would not be assessed to properties. Engineer Hanson reported that the assessment would be similar to Wicht Industrial Park, two options - cash or spread over 10 years on tax statements. The Total Project Cost is proposed at \$6,075,100 and Revenue at \$6,639,032 for a balance of \$563,932. Engineer Hanson reviewed the Schedule and that this is about half way through the process, with an Assessment Hearing August 2008, First Assessment Payment Due Spring 2009, and Final Completion November 2009.

The Council asked for clarification and Engineer Hanson responded that Part 2 would not be able to move forward without Part 1, but that they needed to go in numerical order -- from the south to the north. They wondered about making each part balanced better on the Cost/Revenue by Parts sheet, but Hanson explained how Part 3 was a much larger area, and noting how Staff is trying to keep it comparable to all previously assessed for this type of service. It was mentioned that Part 3 has the most pressing need, with the Mobile Home Park issues. Mayor Anderson opened the Public Hearing and the following came forward to speak:

1) Representative from Leonard, Street, and Deinard for *ABC Auto Auction, 18270 Territorial Road*, handed out a letter dated January 22<sup>nd</sup>, noting concerns with the project about timing, scope, and level of assessments associated. He mentioned the business has done fine without City utilities, and they do not see need for improvements at this time, and can not support the project and cost proposed at \$1,384,000 in assessments (\$32,200 per usable net acre).

2) *Mark Sundman of Sundman Paving and Sealcoating, 18271 Territorial Road*, stated concerns/questions regarding watermain mapping and complete removal of a 10 year old road in front of ABC Auction and maintenance overlay of a 40 year old road. He suggested a less expensive approach of going down the front of ABC or on his side of the street and do a surface overlay of that road to save money, and running the water/sewer where they are building the new intersection over ABC's upper lot, since on his end of the road they hardly not need water and sewer.

3) *Robert M. Pearson, 13801 Lawndale Lane*, commented on how he has seen changes in residential areas with sewer and water. He suggested looking at the advancement of sewer and water, because of the increase in value to the property, which he has seen. He suggested the value would be even greater with those in the commercial/industrial areas, including overall safety. He suggested the City consider the commercial/industrial areas assessments be lengthened to 15 years, instead of 10 years, and keeping residential at 20 years. He commended the City/Staff on the communicating the information to those involved. He encouraged the City to consider the road option that avoids runoff problems, even if it was a greater cost initially. He mentioned the open area that will come available for development, having more benefit with utilities in than not. He brought up the Auto Auction and it not being building intensive, wondering about that for tax purposes. He stated that he was in favor of the project as a whole, since the costs include enough to cover future needs.

3) *Jo Baecker of Codema Properties, 11790 Troy Lane*, commented that the 15 year plan would be quite palatable for long term plans. He relayed their business does not use much water, but wondered if the costs could be broken down, so the initial assessment for the project infrastructure was explained by Engineer Hanson, clarifying the costs, including usage charge for maintenance costs and upkeep. Baecker asked if there was future commercial/industrial plots which could change the assessment costs, to which Hanson explained was already figured in.

4) *Chris Kauffman of K-Manufacturing, 18351 Territorial Road* questioned the different treatment for wetland vs. buildable acreage, as far as assessment, which Engineer Hanson explained. Kauffman stated his issue of the amount of acres being assessed for, and Hanson clarified the assessable area for his property, showing the updated version, which he would receive. Kauffman relayed they are in favor of the project.

5) *Tom DeMers, 17701 – 149<sup>th</sup> Avenue N.*, stated his concern that the project is under a plan and specification, wondering if the City has gone through a value engineering stage yet. He mentioned initial cost concerns because of business being down and wondered about other options and contractors. He relayed that the immediate value to the property is questionable, because of the “recession” that is being claimed currently, with new construction down. Before bidding, he wondered how many firms had been counseled. Engineer Hanson mentioned other road damage preventatives, roadway and easements – putting utilities in the boulevards, instead of the road, if ABC approved the necessary easements and costs would not exceed this current proposal. There will be another open forum before bidding, Hanson relayed, and if a better alignment is found, it can be done near the Mobile Home Park. This is preliminary phase, and has not included major design work, it was noted. DeMers suggested other finance options, as well.

6) *Steve Hoagland of ICA Corporation, 12130 Brockton Lane*, north of Mobile Home Park, informed they had been on one well/septic system for 20 years, and it was time to move on from that system, since there have been concerns of the need for investing into it. He stated his desire for the project to

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move forward sooner, rather than later.

7) Gary Wrobel of Dayton Park Properties, 19010 County Road #81, stated their concern of costs to them of \$3.5 million with everything and wondering how to charge it back to the attendants - \$300,000/year – one third of their income. Regarding the septic concerns on their property, he relayed they were proposing to try their own packaging plant. The main concern is the cost, he informed, since they do not want to raise the rent too high, but suggesting the extension to 15 years could help.

8) Administrator Orduno handed out a letter from *Jeff and Kristen Ophoven/G&J Holdings of Pro-Cart, 11700 Troy Lane*, dated January 22<sup>nd</sup>, that was unsigned and faxed to the City, stating they were not in support of the project with the high costs.

9) Administrator Orduno then informed that she he received a phone call from *Mark Regan of French Lake Golf, 17500 County Road #81*, stating his support of the project.

Mayor Anderson closed the Public Hearing.

Council member Anderson thanked everyone for their thoughtful comments, stating his reasoning that tomorrow it would not be cheaper. Mayor Anderson explained his thoughts to move forward with projects, especially when there is a need, since it is necessary for at least some of the properties. There was discussion of the possibility of extending to 15 years as mentioned, and it was relayed that the maximum time limit is 20 years. Mayor Anderson suggested City Financial Advisor Bruce Kimmel review the figures to extend to 15 years, since the economy is the way it is right now. Council member McNeil commented that the majority are in support, but the main concern is the cost.

**MOTION:** Motion made by Hoke, seconded by Forseth, to approve the West French Lake Utility Improvements Project, as presented, and authorize plans and specifications and work with property owners on Territorial Road alignment investigation details to save costs and Staff to proceed with the preparation of the financial analysis, and discuss with Part 1 property owners about other options to lessen the burden.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, McNeil

Nays: none

***MOTION DECLARED PASSED.***

### **COUNCIL BUSINESS**

***ITEM O – PARK COMMISSION REPORT – CHAIRMAN DOUG BAINES RE: MISSISSIPPI ISLANDS***

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Park Commission Chair Doug Baines reported on the request by the Council regarding ownership of the Islands on the Mississippi River – Goodin and Cloquet. He informed that *Cloquet Island* is controlled by Anoka County Parks, since the Minnesota DNR gave up control when the County created Mississippi West Regional Park. On Cloquet Island their plan is for canoe camping sites, but there is concern, because of the human waste and litter elements. Baines suggested Dayton stay informed on the future development of Cloquet Island, as the County does not have a short term plan to develop it. Council member Hoke informed that the history on the Island was that the DNR sold it to Anoka County for \$1.00, legislatively in an end of session bill, because the DNR did not want it anymore, and the City's representatives did not catch it. He questioned how Anoka County could do control a land use of land in Dayton, without coming before the Dayton Council. It was suggested the bill be reviewed, so Staff stated they would track it down – 1999, possibly. It was recommended Dayton's Comprehensive Plan should address the City's plan/rights of Cloquet Island. Staff suggested the City Attorney review the issue, and the Council agreed.

Secondly, Commission Chair Baines reported on the ownership of *Goodin Island*. He informed that it is controlled by the Minnesota DNR, noting Dayton's Goodin Park is at its southeast tip. It was relayed that the Island is not on any development plan of the DNR's, and that the Park Commission would be developing a plan. Council member Hoke wondered if the DNR was not interested, if the City could get the frontage along County Road #12 and the Mississippi River, although it was relayed it was mostly ravine/unbuildable. It was suggested the Park Commission have some input and language added in the Comprehensive Plan about the Islands. Assistant to the Administrator Stwora relayed she would work with the Plan representative about getting the language added.

**ITEM P – ORDINANCE #2008-05: AMENDING DAYTON ZONING ORDINANCE BY  
AMENDING ZONING DISTRICTS THEREIN S.R.#17-2007**

Assistant to the Administrator Stwora reviewed that in 2008, extension of sanitary sewer and water utilities to existing developed unsewered R-2 subdivisions (Areas 1, 4 & 5) in the northeast quadrant of the City will be complete. As a part of the NE Dayton Project, the Council discussed allowing resubdivision of those existing unsewered lots that met explicit design standards. Staff reviewed those properties to assess which would be available for subdivision. Of the 284 parcels, sanitary sewer utilities are being extended to 55 in three areas, and notices were sent to each. The use of the existing R-1 District standards is preferred to establishing a new zoning district to maintain a consistent character for sewer residential neighborhoods, while accommodating additional subdivisions. It was relayed that 30 can be subdivided into one or more new lots using the R-1 District standards.

At the January 8th Council Meeting, there was discussion of several lots that have been serviced with utilities with the NE Dayton Utility Project. The Planning Commission held a public hearing on January 3<sup>rd</sup> to rezone the 55 R-2 zoned lots being served as part of the Project to R-1, at the direction

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of the City Council. Clarification was made that the additional lots would take on an additional assessment, the difference between the original assessment and assessment amount of an additional lot. He informed that sewer and water would be available in the fall of 2008. The Commission recommended approval unanimously.

Council member McNeil noted his concern of change of land uses between the two districts, not being included in the notice to residents. He wondered about the process, suggesting giving maximum communication to the residents - over communicating instead of under communicating, putting it on the next Consent Agenda. Staff responded on what all would be needed to accomplish his suggestion.

**MOTION:** Motion made by Hoke, seconded by K. Anderson, to waive the reading and adopt Ordinance #2008-05, as presented, amending the Dayton Zoning Ordinance zoning districts therein.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson

Nays: McNeil

*MOTION DECLARED PASSED.*

**ITEM Q – REVIEW/ACCEPT CITY’S ENGINEERING DESIGN MANUAL & STANDARD  
DETAIL PLATES S.R.#18-2007**

Engineer Hanson reviewed that the Council directed Staff to establish engineering standards and guidelines for city infrastructure and future development. The Engineering Design Manual outlines policies, materials, and standards to be incorporated into the development and preparation of plans/specifications to install public infrastructure in the City of Dayton including Statement of Policy; General Engineering Requirements; Design Standards for Utility Installations, Grading/Erosion and Streets/Trails; Construction Plan Standards; Deliverables Required for City Review; As-Built/Record Plan Requirements; Construction Requirements; Final Project Completion/Acknowledgement; and Building Permit and Occupancy Permit Requirements. The Standard Detail Plates include detail plates for streets, sanitary sewers, water mains, storm sewers, bedding (pipe), services, erosion control, and miscellaneous general requirements.

Staff has reviewed draft copies of the Engineer Design Manual and the Standard Detail Plates and the Planning Commission reviewed and accepted the Manual and Detail Plates at their January 3<sup>rd</sup> meeting. They recommended the Council review the items and accept both as City standards. Assistant to the Administrator Stwora noted that there will probably be a few more plates that will be added, because of the sewer and water connections and NE neighborhood. Mayor Anderson commented that it was good to have the addition of the as-builts.

**MOTION:** Motion made by McNeil, seconded by Forseth, to waive the reading and accept the Engineering Design Manual and Standard Detail Plates, as presented, as City standards.

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Ayes: D. Anderson, Forseth, Hoke, K. Anderson, McNeil  
*MOTION DECLARED PASSED.*

Nays: none

## **REPORT OF OFFICERS**

### ***COUNCIL UPDATES***

Council member Forseth thanked Staff for their hard work on the *2007 Annual Report*. It was suggested that, if possible, it be placed on the Website in sections, as well as Mayor Anderson's State of the City Address.

Council member McNeil reported that the *Heritage Day Festival Committee Meeting* would take place before the next Council Meeting, February 12<sup>th</sup>, informing that anyone who wants to volunteer can attend.

### ***CITY ADMINISTRATOR***

Administrator Orduno reviewed a few *meeting dates for the Council* to make note of: Wednesday, January 30<sup>th</sup> – TAC meeting at the Rogers Community Center for the Brockton Study; Saturday, February 9<sup>th</sup> from 8:30 a.m.-1:00 p.m. – Annual Goal Setting; and February 12<sup>th</sup> – Anoka Chamber State of the Cities.

### ***ASSISTANT TO THE ADMINISTRATOR***

Assistant to the Administrator Stwora updated the Council on the *Comprehensive Plan Task Force* deadline, and mentioned the last two Task Force meeting dates of for review of the plan – February 28<sup>th</sup> and March 13<sup>th</sup>. She requested the Council set a Special Meeting to approve the Draft Plan when the consultant representation could attend. Monday, March 24<sup>th</sup> at 7:00 p.m. was suggested. She relayed she would be sending out drafts in sections for the Council's review.

### ***POLICE CHIEF***

Chief Pietrzak reported that the Dayton Police Department were awarded 3<sup>rd</sup> *place for Safe and Sober challenge*. It was noted that \$1,000 was awarded for their efforts, and the Council congratulated them.

### ***CITY ENGINEER***

Engineer Hanson thanked the Council/City for the *resolution on recognition of him and his Bonestroo Staff* for their service on the NE Dayton Sewer and Water Project, at the holiday party.

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Next, Engineer Hanson handed out *Water Tower Painting options* that the Council suggested be placed in the next agenda packet.

**ADJOURNMENT**

**MOTION:** Motion made by McNeil, seconded by K. Anderson, to adjourn.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, McNeil  
*MOTION DECLARED PASSED.*

Nays: none

APPROVED: February 12, 2008 ATTEST: \_\_\_\_\_