

**COUNCIL MEETING
FEBRUARY 26, 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, Assistant to Administrator Erin Stwora, Police Chief Richard Pietrzak, Public Works Superintendent Rick Hass, City Engineer Mark Hanson, and Administrative Assistant/minute-taker Debbie Maveus

CALL TO ORDER - 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Added to the Consent Agenda were: *G-1 - Resolution #12-2008 Regarding the Dayton Police Department Accessing the Minnesota Computerized Criminal History System Required of the Police Department;* and *G-2 - Resolution #13-2008 Ratifying and Authorizing Staff to Extend Review Periods and Reject Applications as Incomplete, under Stat. 15.99, per Attorney Hoff, which were handed out;* and *Item O - Park Commission Appointment.*

MOTION: Motion made by Forseth, seconded by K. Anderson, to approve the Agenda of the February 26, 2008 Regular Council Meeting, as amended.

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

Nays: none

MOTION DECLARED PASSED.

CONSENT AGENDA:

- A.** Approval of Council Meeting minutes of February 12, 2008
- B.** Approve Council Work Session minutes of February 12, 2008
- C.** Payment of Claims – February 26, 2008
- D.** Approval of 2008 Set-Up Liquor Licenses for Dehn’s Country Manor and French Lake Golf
- E.** Appointment of 2008 Weed Inspector – *Police Chief Richard Pietrzak*
- F.** EPDB Conditional Use License Agreement through December 31, 2008 with Hennepin County
- G.** Consideration of Resolution #11-2008 In Support of Legislation to Revise Minnesota Statutes relating to Local Government Aid (LGA) from City of Fridley – *pulled*
- G-1.** Resolution #12-2008 Regarding Dayton P.D. Accessing MN Computerized Criminal History System Required of the Department
- G-2.** Resolution #13-2008 Ratifying/Authorizing Staff to Extend Review Periods & Reject Applications as Incomplete, under Stat. 15.99

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Council member McNeil removed *Item G* for discussion, and Administrator Orduno informed that there is a *collective initiative among cities for a new LGA formula*, since it is archaic. She explained that all cities have been asked. He questioned the first page, Item 5, wondering if they were advocating new money, as well as some reallocation. The item was relisted as *Item H-1*.

MOTION: Motion made by McNeil, seconded by Hoke, to approve the Consent Agenda of February 26, 2008, as amended.

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

Nays: none

PRESENTATION:

ITEM H – HIGHWAY 10/169 CORRIDOR COALITION REPRESENTATIVES – 2008 WORK PLAN

Representative Bob Benke, of the Highway 10/169 Corridor Coalition, presented a PowerPoint dated January 2008, called the TH10/169 Corridor Coalition – Serving Minnesota’s fastest growing corridor, 2008 Priorities, Goals and Strategies, as prepared by The Tinklenberg Group. He reported on the 2008 Work Plan Highlights – Priority Project of Additional/Third Lane on Highway 10 from Egret to Hanson Boulevard (Phase 1) and extending from Hanson to Round Lake Boulevard (Phase 2) to Anoka, noting Mn/DOT’s funding and design standards and cost estimates and funding options.

Mr. Benke commented on the transportation bill that was passed this week. The Council wondered about the #101 bridge and how 6 lanes to 4 lanes would be dealt with; if there was a Legislative portion of the Coalition, which there was not; the system plans of the coalition, including 4-lanes all the way to 169, a river crossing, 169 bypass of Elk River; and the inclusion of other agencies, was discussed.

Added *ITEM H-1*(pulled Item G) – **CONSIDERATION OF RESOLUTION #11-2008 IN SUPPORT OF LEGISLATION TO REVISE MINNESOTA STATUTES RELATING TO LOCAL GOVERNMENT AID (LGA) FROM CITY OF FRIDLEY**

Bob Benke was asked to comment on the proposed LGA revision from the City of Fridley, as he is a former MnDOT employee, former Mayor, and works with Dayton in North Metro Mayors. He responded to Council member McNeil’s concern of the \$100 million of new revenue and where that would come from. He explained how the current LGA distribution formula causes winners and losers, so to make sure there are no losers, the current proposal is being offered. McNeil suggested the taxpayer is the loser, and there was discussion of the history of tax increases changing and not always used for their intension. Mr. Benke stated his agreement to reform/repair the LGA formula,

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since metro area suburbs that got deleted, should be added back in, but suggested the new recommendation is a temporary fix (3-4 years), until they figure out a permanent solution to define need vs. ability to pay, not just based on per capita, which is done currently. He did not see the proposal moving forward or receiving the \$100 million to fix it, maybe not even \$40-50 million. He did not recommend passing it. He commented on possible League status report concepts proposing being drafted into law, and getting opportunity considered, even if no money available at this time.

MOTION: Motion made by Forseth, seconded by McNeil, to not take any action on this item.

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

Nays: none

OPEN FORUM

No one was present for Open Forum.

COUNCIL BUSINESS

ITEM 1 – SUBDIVISION ORDINANCE REGARDING PARK & LAND DEDICATION REQUIREMENTS **S.R.#28-2008**

Assistant to the Administrator Stwora reported that it was a recommendation of the Parks, Trails and Open Space Plan (PTOS Plan) that the City revise its Park and Land Dedication Ordinance. Staff researched other ordinances and fees (\$3,500 to \$8000, without trail fees proposed at almost \$1,000) of surrounding communities in comparison to the projected cost of the entire parks, trail and open space system, as laid out in the Plan.

A PowerPoint presentation laid out the Plan and the costs associated with the development of it. The City must provide a nexus of fees/land for dedication, to the approved Plan. There is also a proposed trail fee of \$925 per unit (Commercial and Industrial unit count will be calculated at a 4 REU/acre as is used in our sanitary sewer plans) to be added, in addition to the dedication fees. The fees being proposed are: Residential - \$4,000 per unit (currently \$3,000 – single-family & \$2,800 – multi-family), Commercial - \$6,500 per acre (currently \$5,000), Industrial - \$5,500 (\$4,500 per acre). She noted that the fees are for use of acquisition and development only.

At their February meeting, the Planning Commission discussed the Park and Land Dedication Ordinance issue, and recommended approval unanimously. It was recommended a public hearing be held at a Council meeting, if the Council is supportive of moving the Ordinance forward and setting the new fees by resolution.

Assistant to the Administrator Stwora relayed the significant costs for the Plan. Projected future need is over 900 acres, between active park land and passive open space uplands. She updated the Council, explaining that the Parks, Trails, and Open Space Cost Summary of almost \$40 million would be a more accurate figure. She reviewed the required fee and potential cash flow. All cities surveyed were at about \$40,000 per acre, and the figures were taken at about \$36,000 /per acre. Urban reserve was not figured in. She reviewed the proposed percentages for each dwelling units/acre, which is being recommended – 11% of land to be dedicated for Parks, Trails, and Open Space, for 0 - 2.5 acres and up to 16% for 12.6 - 16.0 acres.

The new fee proposal would include a potential surplus of over \$4 million for future trail connections, etc., for Year 2030 buildout plan, with expected population of 35,000. Council member McNeil suggested this estimated costs underfunds for full growth. Currently, 536 acres, with part golf courses – 80%, only 94 acres non-golf land. \$50 million over the next 20 years, Council member Forseth relayed, \$2.5 million each year to set aside, was his concern. He mentioned concerns of being the second highest in fees, and not including maintenance/upkeep in the costs.

It was noted that these figures do not include Elm Creek Park, which McNeil suggested the City has no control over. Other Council members suggested that should be figured into Dayton's equation of parks, still. It was mentioned that if the Council feels the costs are too high, the PTOS Plan would need to be scaled back. It was suggested Champlin and Maple Grove be contacted for their maintenance and programming yearly costs. Council member Hoke suggested too much of a fee at once, and that the trail fee should be combined, not separate. Administrator Orduno suggested getting the active park versus semi-active park numbers for the Council.

Assistant to the Administrator Stwora asked for Council feedback, noting the need to move forward quickly, since developments are interested. Council member Forseth suggested not approving a plan the City can not afford, possibly needing revision or more accurate numbers. Council member Hoke suggested these costs would add about \$15,000 to a purchase of land. The buildout would be paid by the developers, Council member McNeil reminded. Forseth stated he does not want to take Dayton out of the market for developers, and suggested the 4,000 acres for Elm Creek Park be added in. Mayor Anderson commented that he knows of other city officials that wish they had upsized more.

Assistant to the Administrator Stwora suggested approval of the ordinance, with fees being discussed further when resolution was proposed with the fees, probably March 25th, and a Public Hearing. She informed she can get figures the Council requested and send via email. Council member McNeil suggested the fees did not bring Dayton out of line with the neighboring communities. Stwora reminded that this is a developer-pay system plan.

MOTION: Motion made by McNeil, seconded by Forseth, to approve the setting of a Public Hearing for the March 11, 2008 Council Meeting.

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

Nays: none

ITEM J – UPDATE ON ADDITIONAL UTILITY SERVICE STUB REQUESTS – N.E. DAYTON AREA 1-6 **S.R.#29-2008**

Engineer Hanson reviewed that the City provided residents associated with the NE Dayton Street & Utilities Improvements Contract 1-3, the opportunity to purchase an additional service during construction, for possible future subdivision. A Utility Service Stub Request form was provided to residents requesting the additional service, prior to construction, and they were to sign it and additional services would be installed, as construction proceeded.

Engineer Hanson reviewed his February 26th memo, which summarized residents who requested the additional service, signed the form and paid/did not pay (3) for the additional service. Staff mentioned next steps to proceed to collect the money, suggesting they continue working with each resident who have not paid. It was relayed that the City could include the payment as part of the assessment, certifying to taxes, per the City Attorney. Staff requested comments from the Council.

The Council agrees that letters should be sent informing of the penalty and interest and the direction to certify the amount to the residents' taxes. It was suggested Staff bring their recommendation back before the Council, at their next meeting. She suggested a significant interest of 10%, since they are using the public money. Council member Hoke suggested confirming with Attorney Hoff or the bond rate of 5.85%, and recommended an ordinance be established for other mechanisms the City is responsible for because of non-payments, to which the Council agreed. There was **CONSENSUS** by the Council to do the discussed.

ITEM K – FINALIZE WATER TOWER PAINTING – N.E. DAYTON AREA 1-6 **S.R.#30-2008**

Engineer Hanson reviewed that the Council at their April 24th meeting, awarded the NE Dayton Contract 5, Water Tower 500,000 Gallon Project, to Land Mark Structures, Inc. At their February 12th Council Meeting, they reviewed options for the Water Tower Painting and directed Staff to prepare two options for their consideration - green "DAYTON" print with no logo, with a choice of a white or beige water tower background. Staff requested the Council direct them whether to proceed with the painting of the water tower per the plan documents or make changes. He relayed that the painting of the water tower is included in the project costs and based on the two options being considered, no additional cost is expected.

The Council discussed concerns of rust and why the bottom portion of the tower could not be painted. Engineer Hanson suggested NE/SW lettering of "Dayton", facing City Hall and Fernbrook

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Lane. There was *CONSENSUS* to proceed with the finalizing of the water tower painting for the NE Dayton Area 1-6, Contract 5, as suggested by Engineer Hanson, with a white background.

ITEM L – MAINTENANCE AGREEMENT FOR STORM WATER MANAGEMENT /INFILTRATION BASIN FOR GOOSE LAKE ROAD S.R.#31-2008

Engineer Hanson reviewed that Hennepin County, in conjunction with the Cities of Champlin and Dayton, are making improvements to Goose Lake Road, including storm sewer improvements. The operation and maintenance of the storm sewer improvements and drainage way will be the responsibility of both cities, in accordance with the Elm Creek Watershed. The parties agree that the storm water system and infiltration basins are required facilities to this drainage area. The proposed Joint Agreement will result in the operation and maintenance of the infiltration basins necessary for the drainage way. It was noted the approval should be based on City Attorney approval.

MOTION: Motion made by McNeil, seconded by K. Anderson, to accept the Maintenance Agreement for Storm Water Management/Infiltration Basin for Goose Lake Road, as presented and based on the City Attorney's approval, for implementation in accordance with Elm Creek Watershed.

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

Nays: none

MOTION DECLARED PASSED.

ITEM M – EMPLOYMENT OFFER – FINANCE CLERK POSITION S.R.#32-2008

Assistant to the Administrator Stwora reviewed that the Finance Clerk position was created in 2007, because of the retirement of an employee. The position was held by a new employee since August, but she has since left for employment with another City. The position opening was advertised the end of January, with the new pay scale consistent with the Compensation Study. Fifty four applications were received, but forty did not meet minimum requirements, Staff reported.

Staff selected seven for interviews, and those who responded met with the City Administrator, Finance Director and herself, with Staff recommending Jackie Thoeness, who has been employed by the Cities of Victoria and St. Louis Park. She has specific experience with the City's new financial software (Banyan) and has had much experience with accounts receivable/payable and utility billing. Staff recommended Jackie be placed at Step 3, Grade 4 - \$44,917.72 (\$21.60/hr), due to her knowledge and experience. Staff relayed she could start as early as March 13th, possibly.

MOTION: Motion made by Forseth, seconded by McNeil, to approve the hiring of Jackie Thoeness for the Finance Clerk position, as presented.

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

Nays: none

MOTION DECLARED PASSED.

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**ITEM N – PRELIMINARY COMPREHENSIVE PLAN TRANSPORTATION ELEMENT'S
EXECUTIVE SUMMARY** **S.R.#33-2008**

Engineer Hanson reviewed that the City of Dayton/Rogers and Hassan Township entered into an agreement to prepare a Northwest Hennepin County Sub-Area I-94 Transportation Study (NHCTS). The draft study is complete and was presented to the Technical Advisory Commission (TAC) recently, and they will be providing comments and anticipate an elected officials meeting and open house to present the study. The proposed Executive Summary is specific to Dayton and was prepared by Dayton Engineering Staff for the Transportation Section in Dayton's Comprehensive Plan, to be forwarded to Dayton's Comprehensive Plan Task Force for review.

Engineer Hanson asked the Council to review and provide comment on the Executive Summary, which would then be forwarded with comments to SRF Consulting Group, Inc., who is preparing the Study. It was noted that the NHCTS is being financed based on an agreement between the three agencies. Hanson reviewed the Roadway Function/Alignments/Improvements Proposed -- Short Term (2008-2020), including the Brockton Lane/I-94 Interchange, CSAH 121, Brockton Lane, Pineview Lane, and CSAH 12; Mid Term (2020-2030) - CSAH 144, South Diamond Lake Road, and Zanzibar; and Long Term (2030-2040) – Dayton/Ramsey Mississippi River Crossing. It was noted that the developer has concerns on the 117th portion of #2 of the Short Term list. The spelling of "Zanzibar" was noted as needing correction on #10 of page 2.

Neighboring communities have not seen this yet, but would with the Comprehensive Plan, it was relayed. Future crossing options over the Crow River were pointed out – a North Concept/NW-SE Emphasis, South Concept/E-W Emphasis, or a South Concept/N-S Emphasis. The Council discussed if either would affect the Mississippi River Crossing, causing more traffic on County Road #12. There was **CONSENSUS** by the Council of the most southern concept, for a more direct route to #101 and County Road #36, but concerns alignment and possible affects of the proposed Cedarcrest school and Hartman property for Guardian Angels. Administrator Orduno commented that confirmation was needed about the Dayton-Ramsey Mississippi River Crossing right-of-way preservation designation has been removed by MnDOT. There was discussion of County Road #144 being very busy with more traffic and the possible need for 4-lanes, as well as that the counts were low, and probably close to the estimates now.

ITEM O - PARK COMMISSION APPOINTMENT

MOTION: Motion made by Forseth, seconded by McNeil, to approve the appointment of Rick Jatso to the Park Commission.

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

Nays: none

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REPORT OF OFFICERS

MAYOR UPDATES

Mayor Anderson reported that he would be in Washington D.C. for the *National League of Cities Congressional City Conference*.

CITY ADMINISTRATOR

Administrator Orduno handed out a number of items of information for the Council, including the following: A letter from City Attorney Hoff, dated February 26th, regarding *Zoning Authority Matter/Cloquet Island*; *Average Homestead Property Tax: 2002 to Preliminary 2008* for Minnesota Cities over 5,000/*Sticker Shock: Why Property Taxes Are Going Through The Roof In Minnesota*; and an email from Engineer Hanson regarding the *Effects of Gas Tax Increase to Dayton/Cities*. With regards to Cloquet Island, she relayed the City maintains full zoning authority, retaining its rights. It was mentioned that the Dayton Zoning Code has both Islands listed to remain in their natural/scenic state and a question whether they could be counted in the Open Space numbers as inactive Open Space. Engineer Hanson's Memo regarding the Transportation bill calculations suggested the City should receive an additional \$21,875 for their Minnesota State Aid (MSA) allotment, with the 5 cent increase approved by the Legislature this week. Orduno mentioned the article on Homestead Taxes was passed out for information only. She relayed she had no information from Rogers/Hassan on the next Joint Meeting, but would let the Council know.

ASSISTANT TO ADMINISTRATOR

Assistant to the Administrator Stwora reported that Thursday night, February 28th, would be the first half of the *review of the entire draft of the Comprehensive Plan* and the second meeting would be Thursday, March 13th.

PUBLIC WORKS SUPERINTENDENT

Public Works Superintendent Hass reported that he would be in Medina for a *Preconstruction Meeting regarding Goose Lake Road* the following day, and that the *score board from CDAA would be put up* tomorrow morning at the McNeil Park.

POLICE CHIEF

Chief Pietrzak reported that *Commercial Vehicle Inspections* would be coming up.

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ADJOURNMENT

MOTION: Motion made by McNeil, seconded by Forseth, to adjourn to a Closed Session for the purpose of considering strategy for Labor Negotiations, per Minnesota State Law.

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

Nays: none

MOTION DECLARED PASSED.

APPROVED: March 11, 2008 ATTEST: _____