

**COUNCIL MEETING
APRIL 8, 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, 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 April 8, 2008 Regular Council Meeting.

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

Nays: none

MOTION DECLARED PASSED.

CONSENT AGENDA:

- A. Approval of Council Meeting minutes of March 25, 2008
- B. Approval of Council Work Session minutes of March 25, 2008
- C. Approval of Special Council Meeting minutes of March 24, 2008
- D. Payment of Claims – April 8, 2008
- E. Fire Department General Meeting Minutes of February 21, 2008
- F. Portable Restroom Rental **S.R.#51-2008**
- G. Street Sweeping **S.R.#52-2008**

Council member Forseth requested the separate approval of Consent Items A, B, and C, since he was not in attendance at the meetings. Council member McNeil requested the correction of page 4 of Item A – March 25th Council Minutes, since his motion was made to table the approval of the selection of Bonestroo as the consultant to assist in the Zoning Ordinance Update *for 30 days*. Administrator Orduno explained that the tape review confirmed that his motion was correct, and how with much discussion before the vote, and seeming agreement of action for the following meeting, it was interpreted. McNeil explained his reasons for wanting it postponed 30 days to allow the necessary information to be received, as it was not yet available by 1000 Friends of MN. He mentioned the Roberts Rules of order and the need for a 2/3 vote to bring the item up for discussion before the date of requested postponement.

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MOTION: Motion made by McNeil, seconded by K. Anderson, to approve Items A, B, and C of the Consent Agenda of March 8, 2008, with the correction of Item A, regarding the postponing motion.

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

Nays: none
MOTION DECLARED PASSED.

MOTION: Motion made by McNeil, seconded by Forseth, to approve Items D, E, F, and G of the Consent Agenda of March 8, 2008.

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 H – PURCHASE OF NEW SQUAD CAR CONSIDERATION

S.R.#53-2008

Chief Pietrzak reported that the 2008-2012 Capital Improvement Plan (CIP) provides for the purchase of a new squad car with funds from an equipment certificate. The Council previously approved the purchase of new squads with monies from the equipment certificate, but Staff recommends the squad in 2008 be purchased with funds from the Capital Outlay Fund. The Council approved the replacement of one squad per year in 2006 and 2007, as part of the Equipment Certificate. The 2008-2012 CIP and 2008 budget, approved by the Council, provide for a new squad in 2008. Monticello Ford was awarded the State bid for this year, it was informed, noting the amount approved in the CIP was \$31,000.

Council member McNeil questioned why they should use the Capital Outlay Fund, instead of Equipment Certificates, which Administrator Orduno explained, alleviating bonding this year, since there is \$350,000 saved over the years in the fund, for this type of expenditure. Mayor Anderson emphasized the need to still continue accumulating that fund. The equipment for the squad is not included in the State contract amount, Chief Pietrzak clarified, but the \$31,000 budgeted would cover it all. Council member Forseth wondered if the 100,000 mile replacement plan for longevity on a squad could be adjusted with the upgrades of vehicles these days. It was relayed that the old car would still be used as a fleet car, relaying it was still in good working order. The Council got clarification on the squad options and fuel economy issues.

MOTION: Motion made by McNeil, seconded by Forseth, to approve the proposed squad car purchase with funds from the Capital Outlay Fund, as presented.

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

Nays: none

ITEM I – ADOPTION OF REGIONAL EMERGENCY OPERATIONS PLAN S.R.#54-2008

Chief Pietrzak reported that, to consolidate planning efforts and improve efficiency in response to emergencies, regional planning groups have been created in Hennepin County to develop a comprehensive regional emergency operations plan. This group has been named the North Suburban Emergency Management Planning Group (NSEMPG), and their Plan meets the requirements of Hennepin County and the State of Minnesota. They will also prepare and maintain a regional resources directory for use by the cities.

The format of the regional plan is similar to the former City of Dayton Emergency Operations Plan, with no significant changes in assignment of responsibilities among the various City Departments in response to emergency situations, Chief Pietrzak informed. He reported that the Emergency Management Director will provide periodic updates to the Council, reviewing planning activities of the NSEMPG, continually being under review and updated frequently to meet changing conditions. Chief Pietrzak reported that the Council adopted the current City Emergency Plan in September of 2003.

It was relayed that the NSEMPG requests the Council adopt the proposed Plan. Staff's report recommended the designation of the Dayton Police Chief as Emergency Management Director, and authorize his (and/or his designee's) participation on the North Suburban Emergency Management Planning Group; authorizing them to conduct emergency planning for Dayton; the rescinding of any previous Dayton Emergency Operations Plan, and adopting the North Suburban Emergency Management Planning Group – Emergency Operations Plan, as the Emergency Operations Plan for the City of Dayton. It was clarified this would take place of Dayton's current manual, which he would be updating to include the proposed information, working along with to benefit Dayton. Council member Forseth suggested forwarding the Plan on to Public Safety the following evening, for their review.

MOTION: Motion made by McNeil, seconded by Forseth, to refer the Regional Emergency Operations Plan to Public Safety for tomorrow night's meeting.

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

Nays: none

ITEM J – RESOLUTION #14-2008: PARK DEDICATION FEES FOR 2008 S.R.#55-2008

Assistant to the Administrator Stwora reviewed that it was a recommendation of Dayton's Parks, Trails and Open Space Plan (PTOS) that the City revise its Park and Land Dedication Ordinance.

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The Council approved the new Dedication Ordinance at their March 11th meeting, but as part of the new Ordinance, a resolution listing the new fees are proposed. Dayton's Current Park Dedication Fees are as follows: Single Family - \$3,000 per unit; Multi Family – \$2,800 per unit; Commercial - \$5,000 per acre; and Industrial - \$4,500 per acre.

Assistant to the Administrator Stwora summarized the costs related to the Parks, Trails and Open Space Plan – 8 Neighbor Parks proposed totaling \$4,200,000; 15 Natural Resource Parks proposed totaling \$6,000,000; 2½ Community Parks proposed totaling \$9,987,500; 545 acres Open Space proposed totaling \$19,620,000; for General System Cost Summary - \$39,807,500. The PTOS Plan shows a total of 48 miles of trails along existing and proposed local and county roads, and the estimated cost of building one mile of trail is \$160,000, for a total cost of trails at \$7,695,900. Staff informed that it is expected that developers will build, at their cost, the remaining trails on the plan, as a part of their development and connecting to others. Staff proposed a \$765 per unit fee for mainline trail development along existing and future local and county roads. Commercial and Industrial developments would pay four (4) REU (4 x \$765).

Staff's proposed new Park Dedication Fees (including trail fees) for 2008 are as follows: Residential - \$4,765/unit; Commercial - \$9,560/acre; and Industrial - \$8,560/acre. Assistant to the Administrator Stwora reviewed neighboring communities' park fees. At their February 7th meeting, the Planning Commission discussed the Park and Land Dedication Ordinance and fees, recommending unanimous approval. A Public Hearing could be set, but has not been scheduled for this evening, it was relayed.

The Council got some clarifications regarding the trail fees, which went down from the last presentation, Assistant to the Administrator Stwora relayed. Council member Hoke asked how this could affect plats in process, which Staff informed. He suggested the following phased in fees for 2008, when approved and published (around May 1st): \$3,800 - residential, \$7,500 - Commercial, \$8,000 for Industrial; and 2009 - \$4,775/\$9,700/\$9,200. Stwora suggested that was acceptable, and Council member McNeil mentioned concerns of phasing and noting that fees are usually reviewed each year. It was clarified that in the future there would be a line item for trails, then, and a second funding source.

Administrator Orduno suggested the resolution be changed, per Hoke's recommendation, with the addition of the language at the end of the resolution, after the rates, "NOW, THEREFORE BE IT RESOLVED that fees are affective on May 1, 2008 and May 2009, unless otherwise reviewed by City Council.

MOTION: Motion made by Hoke, seconded by K. Anderson, to waive the reading and adopt Resolution #14-2008, as amended, approving the 2008 Park Dedication Fees Summary revisions.

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

Nays: none

MOTION DECLARED PASSED.

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**ITEM K – SELECTION OF BONESTROO TO COMPLETE ZONING ORDINANCE
UPDATE CONSIDERATION (Tabled from March 25th meeting) S.R.#56-2008**

Assistant to the Administrator Stwora reviewed that as part of the 2008 Comprehensive Plan Update process, the Council budgeted \$30,000 to complete a Zoning Ordinance update in 2008. The City must update their ordinances to comply with the new Comprehensive Plan. As discussed at the previous Council Meeting, Staff is recommending Bonestroo be hired to assist Staff in completing the update. Bonestroo's scope of work and costs is limited to a fee of \$35,000 and Staff recommends approval of \$30,000 for work in 2008 and \$5,000 to be budgeted for completion of the project in 2009.

It was relayed that the Council tabled this item, per Council member McNeil's request, to look into a grant being offered by 1000 Friends of Minnesota, due on May 15th, which Assistant to the Administrator Stwora reviewed, explaining her concerns regarding the monies available in each of the years, but the need for the second year to have the City contribute, and increasing each year. The consultant selections have not been made by 1000 FOM, at this time, Staff mentioned. If selected, the process could begin in late July or early August.

Staff, in conjunction with Bonestroo, has learned of a grant from the DNR for Community Conservation Assistance which the City must provide a 1:1 match, and could receive up to a \$15,000 grant. The City has budgeted \$30,000 in 2008 and could provide a \$15,000 match, saving the City up to \$20,000 over two years. Bonestroo has agreed to complete the grant application at no charge, due by April 18th, and she explained the benefits of this grant.

Council member McNeil explained that he wanted the item tabled for 30 days, because he knew it would take a while to have all the information. He suggested the possibility of an interest free loan, borrow \$30,000 and pay it back over a number of years. He mentioned Bonestroo could even be one of the consultants. He wondered if Bonestroo could apply for both, and Stwora responded. McNeil noted the need for a 2/3 vote for discussion on this item.

MOTION: Motion made by McNeil, seconded by Forseth, to consider Item K.

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

Nays: none

MOTION DECLARED PASSED.

The Council stated concerns of grant money and the organization's possible agenda, moving this in their direction, instead of how well the City, with Bonestroo's help, is going; consideration for next year, and budget concerns. Council member McNeil suggested someone attend the Question and Answers Session for 1000 FOM April 22nd or May 6th. The Council discussed getting the DNR grant for this year, or possibly both grants. Staff mentioned that is no budget for grant writing

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currently.

Administrator Orduno suggested looking at whose interests will be best served. She mentioned her concern for how vague the grant proposal is, with unanswered questions. The Council explained their reasons for concerns on the 1000 Friends of MN grant. Council member Forseth suggested discussing grants and budgeting grant writing amounts, and he commended Council member McNeil for the suggestion. McNeil suggested someone attend the 1000 Friends meeting, and Council member Hoke suggested the DNR money might cover a significant portion of the environment related ordinance, so he recommended those portions be done first, holding some of the budgeted money until next year, for the other portions of the update, to which there was agreement.

MOTION: Motion made by McNeil, seconded by Forseth, to approve the selection of Bonestroo as the consultant to assist Staff in the completion of the 2008 Zoning Ordinance Update, allowing them to write the DNR grant, with the provision of sending someone to the information meeting for the 1000 Friends of Minnesota, and holding money over for the next year, as discussed.

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

Nays: none

MOTION: Motion made by Forseth, seconded by McNeil, to send Council members McNeil and Forseth to the information meeting for the 1000 Friends of Minnesota, to which ever date worked.

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

Nays: none

**ITEM L – EASEMENT OFFERS FOR WICHT INDUSTRIAL PARK / S.W. DAYTON PHASE
1A CONSIDERATION** **S.R.#57-2008**

Engineer Hanson reported that Staff has had discussions with Joe and Marilyn Rauch to finalize the easement necessary for the street improvements associated with the Wicht Industrial Park/SW Dayton. The easement acquisition cost is a project cost and will be financed by the Wicht Industrial Park/ SW Dayton Projects, and is in the current bond sale for this year's construction. The Council awarded the contract for SW Dayton Phase 1A, Contract 2 Improvements to S. R. Weidema, Inc., in the amount of \$1,691,909.62 for the Total Base Bid, without Alternate No. 1, on October 23rd. Staff is recommending the Council approve payment as recommended and instruct the City Attorney's office to prepare the appropriate legal document(s).

MOTION: Motion made by McNeil, seconded by Forseth, to approve the payments for the permanent easement, as presented, having Staff prepare the appropriate documents to execute the easements and payments.

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

Nays: none

ITEM M – CHANGE ORDER NO. 3 – WICHT INDUSTRIAL PARK / S.W. DAYTON PHASE 1A, CONTRACT 1, S.R. WEIDEMA, INC. CONSIDERATION S.R.#58-2008

Engineer Hanson reported that Staff has finalized Change Order No. 3 for Contract 1 with S.R Weidema, in the amount of \$28,562.23, which provides for work to remove and relocate the existing light poles, transformer, and lower/relocate wiring and conduit from the cell tower to the transformer, all site changes associated with the Miller Property taking. This would raise the overall construction cost to \$4,918,002.97 -- \$45,737.34 more than the original contract. The financial responsibility for Change Order No. 3 will be included in the financing for the Wicht Industrial Park-SW Dayton Project, Phase 1A, Contract 1. At their October 23rd meeting, the Council approved Change Order No. 2. Staff recommended the approval of Change Order No. 3. It was noted this was a change of money from one Contract to another.

MOTION: Motion made by Forseth, seconded by McNeil, to approve Change Order No. 3 for the Wicht Industrial Park / SW Dayton Phase 1A, Contract 1, with S.R. Weidema, Inc., as presented, in the amount of \$28,562.23.

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

Nays: none

ITEM N – RESOLUTION #20-2008: POLICY REGARDING REDUCTION OF RETAINAGE FOR CITY CONTRACTORS CONSIDERATION S.R.#59-2008

Engineer Hanson reported that the general conditions used in Dayton's construction contracts states that the retainage for a project is to be reduced to 0% upon reaching substantial completion. The contract allows variance by allowing the engineer the ability to maintain some of the retainage, if there is concern the City could suffer a loss due to damaged infrastructure. Staff suggested a policy be established to provide them guidance regarding the minimum amount of retainage, recommending 2%, to hold until final completion, to help cover repairs to any damaged street or seeding the contractor could default on. The Council got clarification on warranty and performance bonds, usually in place for two years, and Engineer Hanson mentioned the punch list items.

MOTION: Motion made by Forseth, seconded by McNeil, to waive the reading and adopt Resolution #20-2008, as presented, adopting a policy which provides Staff authority to set minimum amount of retainage for contracts after substantial completion of construction has been met.

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

Nays: none

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REPORT OF OFFICERS

MAYOR UPDATES

Mayor Anderson referred to handouts regarding the *Omnibus Senate Tax Bill* and Minnesota House of Representatives Tax Bill that are an abatement bill, brought forth because of some controversy because of Dayton's name being included by other cities in the Senate version. He explained that the policy that Dayton gave testimony on and supported has been the House Version, which applies to all cities, and that Metro Cities and the League of Cities has adopted as policy. Dayton is being asked to send a letter from the Mayor stating their support of the endeavor, and Mayor Anderson noted Senator Limmer's support of the interchange in Dayton. There was *CONSENSUS* by the Council.

Secondly, Anderson informed he spent the previous day at the *Oberstar Transportation Forum* getting information of the nations needs and possible lack of effort, and what might happen in the next authorization. He mentioned a group in Washington that has done an extensive study, regarding some proposals on transportation, on a Website at Transportationfortomorrow.org.

COUNCIL UPDATES

Council member McNeil relayed he had talked with former resident Tom Barnard about his preference to not burn the barn on his property, but *donating it as a public building*. McNeil reported it would cost about \$26,000 to move it, with additional costs for building repairs and removal of power lines. He suggested it could be moved to a new park close to the Cedarcrest Academy area. He asked if there was any interest from the Council, and there was discussion of the building and input, noting it was not in ADA/public use order, without adding an elevator. There was discussion of the cost coming out of park dedication fees, possibly used for rental of rooms. Council member Forseth wondered if the Dayton Lions would be interested, and it was relayed that the property owner should be notified, if review was desired.

CITY ADMINISTRATOR

Administrator Orduno handed out a memo from Park Commission Chair/Watershed Management appointee Doug Baines, with information per Minnesota Statutes, that the *Watershed alternate* can not be a Staff member, but needs to be a Council or Commission member. There was a meeting the following day, it was relayed.

MOTION: Motion made by K. Anderson, seconded by Forseth, to appoint Council member Tim McNeil as alternate to the Elm Creek Watershed Commission.

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

Nays: none

MOTION DECLARED PASSED.

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Administrator Orduno mentioned the notice that *North Diamond Lake Road will be closed* for about two weeks, beginning April 14th, to extend the utilities past Berkshire.

ASSISTANT TO ADMINISTRATOR

Assistant to the Administrator Stwora reported that the *Comprehensive Plans were sent out* to everyone last week, noting that Dayton was the first in Hennepin County to turn theirs in. The link is on the Dayton Website, where comments could be received.

CITY CLERK

Clerk Borders reported that the *U.S. Census Bureau* received all of Dayton's updated information. She informed that the next *Dayton Communicator* would be sent out that week. It was relayed that the *Dayton Yearend Report* and *Mayor's State of the Cities Address* was unable to be included on the Dayton Website, but Council member Forseth agreed to assist.

PUBLIC WORKS SUPERINTENDENT

Superintendent Hass reported that the *STS Road Crew* was out that day, and another should be out the following week. He updated that for *Goose Lake Road*, brush would be cut this week, and April 14th further construction, but he mentioned some issues between the County and Champlin. Hass relayed he would be meeting people about the *City's well house* on Thursday regarding colors.

Mayor Anderson asked Superintendent Hass about the *blowout on the end of South Diamond Lake Road in Hassan*, and who would be fixing it, which Hass responded would be Hass, with County assistance. Anderson also questioned the *weight restriction signage* on the backside of the stop sign. Council member Forseth wondered when *County Road #12* would be repaved.

POLICE CHIEF

Chief Pietrzak reported that *County Road #202 will be closed* through the Park Reserve for about two month, starting April 17th or 18th. Council member Anderson asked for an update on the *pedestrian cone by the Dayton Post Office*, and Pietrzak state he and Superintendent Hass would check into it that week.

CITY ENGINEER

Engineer Hanson updated the Council on the *Hemlock Lane/134th Street & Utility Improvement Open House*, earlier in the evening, stating the residents affected seemed positive, after the information was shared. He reported the plan was to come back at their next Council Meeting to approve plans for bidding, and he reviewed the schedule. The Council wondered about the residents'

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curb suggestions, which Hanson relayed was the B-6 curb/concrete. Regarding his meeting with Dayton Park Properties, he relayed he reviewed the sewer and water extension designs for the *West French Lake Utilities*.

ADJOURNMENT

MOTION: Motion made by McNeil, seconded by Forseth, to adjourn.

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

Nays: none

APPROVED: April 22, 2008 ATTEST: _____