

**COUNCIL MEETING
SEPT. 23, 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; Council members Phil Forseth, Scott Hoke, J. Kevin Anderson, and Tim McNeil

ABSENT: none

ALSO PRESENT: Administrator Samantha Orduno, City Clerk Sandra Borders, Public Works Director Rick Hass, Fire Chief Dennis Young, Police Chief Richard Pietrzak, City Engineer Mark Hanson

CALL TO ORDER - 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

MOTION: Motion made by Forseth seconded by McNeil to approve the Agenda of the September 23, 2008 regular Council Meeting.

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

Nays: none

MOTION DECLARED PASSED.

CONSENT AGENDA:

- A. Approval of Council Meeting minutes of September 8, 2008 with corrections.
- B. Payment of Claims – September 23, 2008
- C. Change Council Meeting Date: from November 11 to November 10 because of Veterans Day
- D. Consideration of Senior Center Window Replacements **S.R.#128-2008**
- E. Consideration of Quote for Seeding and Irrigation System at Riversbend Park **S.R.#129-2008**
- F. Consideration of Reduction in Letter of Credit for King Solution **S.R.#130-2008**
- G. Consideration of Reduction in Letter of Credit for Dayton River Investment Properties **S.R.#131-2008**
- H. Consideration So. Diamond Lake Trail Change Order **S.R.#132-2008**
- I. Resolution #50-2008: Madsen’s Manor Subdivision **S.R.#133-2008**
- J. Resolution #51-2008: Acknowledging Donations from RMG “Refer a Friend. Build you Community” Donation Program for the Fire Dept.
- K. Approval of Election Judge list for the General Election

Council Member Forseth had corrections to the minutes of September 8, 2008 regarding the restoration and the withholding of payment to the contractors. Page 11 of 13: NE Areas 1-6 and

SW Industrial Park: Amend/ Correction of the minutes to include: *That there is an expectation that the work would done properly or there wouldn't be a payment to the contractors.*

Council Member Hoke mentioned that concern about the steepness of the ditch was ... *along Vinewood Lane...*

Page 2 of 13: Add under: presentation from 1,000 Friends of Minnesota.

Council Member Forseth concern is that we would be expending a lot of staff time if the grant wasn't renewed.

MOTION: Motion made by Forseth seconded by McNeil to amend the minutes as outlined.

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

Nays: none

MOTION DECLARED PASSED.

MOTION: Motion made by Forseth seconded by McNeil to approve the consent agenda as amended.

Council member Hoke had a question regarding item H. The change order reflected the increase of fuel costs and the project was bid out to be completed in 2007. The grant is for a specified amount \$77,000 and can not be increased.

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

Nays: none

MOTION DECLARED PASSED.

OPEN FORUM:

1. Susie Scheller from the Anoka- Hennepin Education Foundation, informed the Council of a fund raiser called the Northern Stars Ball that will be held on October 11th. She would like to invite the council to attend the ball. She distributed information for the ball regarding auction donations, or sponsoring a table. The organization has raised funds for the students, and the schools. The teachers present the ideas and submit applications for the grant dollars. They are grant programs for the student's education. These grant fund programs that would not be funded otherwise.
2. Doug Baines, 13000 Overlook Road – would like to acknowledge the city staff and volunteers that worked on the Heritage Day Committee. He thanked everyone for the event.
3. Roger Nowacki, 13320 Balsam Lane, has concerns regarding the landscaping that is being done in the residential areas. Mr. Nowacki did his own seeding and sod. He had complaints about the soil that was used and that the seed isn't growing. He stated he thinks that the assessment (the portion for the landscaping) should be given back to the homeowners

because of the lawns are being completed incorrectly. He brought in black dirt and sod to do his lawn. Engineer Mark Hanson can check what the amount was in the contract for the restoration.

4. Patrick Moss, 18541 Levee Street, regarding the tax forfeited property. Mr. Moss's property is in tax-forfeiture. No action needs be taken at the present time by the Dayton City Council. Clerk Borders provided information regarding Tax Forfeited property, PID # 31-120-22-32-0120. During the process for the tax forfeited property it was discovered that Hennepin County has an agreement with the former property owner to pay the past due property taxes. The agreement expires on December 31, 2008. At this time it is recommended that the city wait to acquire the property because of the current contract being held by Hennepin County.

ITEM L: DISCUSSION OF VINEWOOD LANE CULVERT EXTENSIONS:

S.R. #134-2008

Engineer Mark Hanson explained that the drainage improvements in the NE Dayton Areas 3, 4 & 6 Contract 2 along Vinewood Lane provided for a combination rural/urban design section to convey drainage. In areas where the rural section was constructed to properly convey drainage driveway culverts/ditches were constructed. In some areas where the rural section exists the property owners have expressed concern because conditions have changed from what previously existed based on the slopes to accommodate the culverts/ditches. The slopes were constructed as they presently exist to maintain the drainage in the street right-of-way, to properly convey drainage from the roadway/abutting properties, and accommodate private utilities.

Public Works Director Hass and Engineer Hanson have reviewed the existing conditions and culvert extensions in certain areas, drawings provided to the City show areas where culvert extensions could be considered. Eight (8) property owners are identified where culvert extensions could be considered. The length of culvert extension is approximately 290 feet. The work has been reviewed with the contractor for Contract 2 and they have stated they would do the work on a time and material basis. The estimated the cost for the work to be approximately \$20,000 assuming four (4) days to do the work which is noted below:

Labor/Equipment	\$12,000
Topsoil/Seed	\$5,000
Beehive Catch Basin	\$1,500
12" HDPE Culverts	<u>\$1,500</u>
Total	\$20,000

If the City Council wants to further considered the culvert extensions it's suggested a meeting be held with the identified residents to review the work. Before and after pictures were provided to demonstrate the extent conditions have changed. It should be noted if additional development/lot splits was to occur, especially in the area north of 139th Avenue, ponding will be required to satisfy

storm water requirements. Therefore, the existing ditches along Vinewood Lane in this area would likely be expanded into ponding areas to accommodate the increase in storm water runoff from the new development.

Mark Hanson presented to the council photos of Vinewood Lane and the culverts. He mentioned that after the rain today the water is in the ditches and off of the road. The graphic explained the extensions for the culverts and the catch basin /beehive. The approximate cost of the extensions would be \$20,000 and would be done on a time and material basis. The grading where the culverts are would provide for a gentler slope. This road is a rural area road.

Mayor Anderson asked about if this would be the best solution for the problem and if this would be the end of the problem. Council Member Hoke mentioned that engineering needs to explain to the residents how this would improve the conditions. The south end of Vinewood doesn't have the depth of the north end. There was discussion regarding cost sharing with the residents. Mayor Anderson alluded to two things:

1. Is this the appropriate thing to do and the end of the problem?
2. Will this get done this fall and get finished?

Engineer Hanson mentioned that we could meet with the residents regarding the problems. Mayor Anderson would like the problem to end and be done with. Another option would be to wait and do it next spring with a different contractor and possibly get quotes to get the project completed.

Council Member Forseth mentioned the city paying 50% and the residents 50% or a cost of about \$1200 each. Mr. Baines (in the audience) mentioned alternatives to mowing the ditches. He mentioned the rain gardens, and the Park Commission is working with the University of Minnesota for a landscape grant. Mark Hanson mentioned that other things could be done not just manicured lawns.

Public Works Director Hass mentioned that there have been a couple of the ditches already filled in and sloped differently.

The direction from the Council would be to set a meeting with the residents of the eight properties in discussion and explain the cost sharing, the agreement that would needed to signed, and explain other options.

ITEM M: RESOLUTION 49-2008: ADMINISTRATIVE SUBDIVISION FOR HILMER HARTMAN / CEDARCREST ACADEMY: *S.R. # 135-2008*

Hilmer Hartman in conjunction with Cedarcrest Academy has submitted an application for an administrative subdivision to split the 194.76 acre parcel into one 134.76 acre parcel and one 60.00 acre parcel.

The size of the lots, once subdivided, will meet Zoning Ordinance requirements for the A-1, Agricultural Zoning District.

	A-1 Standards	Proposed
Minimum lot size	40.00 acres	60.00 acres
Minimum lot frontage	300 feet	568.70 feet

The subdivided lot will remain zoned A-1, Agriculture until further applications are made. Future rezoning and site/building plan review applications will be required when development occurs.

Per Dayton Zoning and Subdivision Ordinance Chapter, Section 1002.02 Subd. 1(5)d(4)

“At the discretion of the City Administrator, the application may be forwarded to the City Council for its approval or denial. Upon either denial or approval by the City Council, the City Administrator shall mail or otherwise deliver notice to the applicant. In the event of such City Council action there shall no right of appeal to the City Council under §1002.02, SUBD. 1(5) e.”

City staff felt this application was best suited for review and approval by the Planning Commission and City Council.

At their September 4, 2008 meeting, the Planning Commission reviewed the application of Hilmer Hartman in conjunction with Cedarcrest Academy for the administrative subdivision of their property. The Planning Commission unanimously approved the administrative subdivision.

Adm. Orduno explained the request from Hilmer Hartman. Council Member McNeil asked about the Comp Plan potential of a future road that might be needed. It was explained that this was only a lot split.

MOTION: Motion made by Forseth, seconded McNeil to approve Resolution 49-2008; the application of Hilmer Hartman for an Administrative Subdivision of one lot into two lots.

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

Nays: none

REPORT OF OFFICERS

1. MAYOR UPDATE:

Mayor Anderson mentioned that the National League Conference coming up this November and he would be in favor of attending. Staff will come back with estimated costs to go to the

conference at a future meeting.

The LMC and Metro Cities have a Regional Meeting on November 20th from 1:00 – 8:00 pm. Mayor Anderson and Administrator Orduno are planning on attending. Other council members can inform staff if they would like to attend.

2. COUNCIL UPDATES

Council Member McNeil comment on how fantastic Heritage Day was and wanted to thank staff for the work. Council Member McNeil shared with the Council the Historical Calendar from the Historical Society. Council Member K. Anderson also thanked everyone for Heritage Day.

3. ADMINISTRATOR: Samantha Orduno

Meeting scheduled for every Tuesday in October: Comp Plan meetings and Council Meetings

4. Public Works: Rick Hass

Update on Goose Lake Road that they found a dump site along the road. Hennepin County and staff are meeting tomorrow to redesign plans for the road. He also reported that Well #2 was started this past week, and hydrants can be flushed. Staff is working toward Oct 27 as start up date for the sewer and water.

5. FIRE CHIEF: Denny Young

Chief Young reported that on Heritage Day Dayton Fire Department was called to assist in fire in Elk River. The Department will be sending a truck to Boy Scout Camp on Hwy 47 for a demonstration. He mentioned that the Fire Marshall needs to review plans for new businesses.

Council Member Forseth would like to collect email address from residents for a monthly newsletter. There was discussion that there could have a signup page on the web site for email addresses to help keep residents informed.

ADJOURNMENT

MOTION: Motion made by Hoke, seconded by McNeil to adjourn

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

Nays: none

MOTION DECLARED PASSED.

APPROVED: October 14, 2008 ATTEST: _____