

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 1 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. 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, Assistant to Administrator Erin Stwora, Finance Director Julie Linnihan, Fire Chief Dennis Young, Police Chief Richard Pietrzak, City Engineer Mark Hanson, City Attorney George Hoff

CALL TO ORDER - 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Administrator Orduno requested the City Council add to the Consent Agenda the Administrative CUP for a dog grooming business in Raintree Plaza.

MOTION: Motion made by Forseth, seconded by Hoke to approve the agenda as amended.

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

Nays: none

MOTION DECLARED PASSED.

CONSENT AGENDA:

- A. Approval of Council Meeting minutes of March 24, 2009
- B. Payment of Claims – April 14, 2009
- C. Public Safety Commission minutes of January 14, 2009
- D. Resolution #13-2009: Rogers Lions Gambling License at Daytona Golf
- E. Fire Department Meeting minutes of February 19, 2009
- F. Consideration of Bid for Street Sweeping **S.R.#56-2009**
- G. Set-up Liquor License for French Lake Golf
- H. Administrative CUP for Dog Grooming (Mel Jensen, owner) at Raintree Plaza

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

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

Nays: none

MOTION DECLARED PASSED.

COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 2 OF 8

CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES

OPEN FORUM:

No one present

ITEM H: Considerations of River Hill Farms (*tabled from 3/24/09 meeting*) **S.R.#57-2009**

1. **Resolution #10-2009:** Approving the Preliminary Plat/PUD & Conditional Use Permit (CUP) for River Hill Farms
2. **Ordinance #2009-08:** Rezoning of property from A-1, Agricultural to GPUD, General Planned Unit Development with underlying zoning of R-1, Residential & R-1S, Residential

Gold Nugget Development (“applicant/developer”) submitted an application for a preliminary plat to be known as River Hill Farms, a rezoning from A-1 to General Planned Unit Development Overlay District, preliminary review General Planned Unit Development Overlay District Zoning (GPUD), and a Conditional Use Permit for the portion of the site within the Mississippi River Critical Area. The site is located on 168.8 acres located north of CSAH (North Diamond Lake Road) and south of CSAH 12 (Dayton River Road) approximately 1,200 feet west of Berkshire Lane on CSAH 144.

MOTION: Motion was made by Forseth, seconded by McNeil to approve Resolution 10-2009; approving the Preliminary Plat/PUD & Conditional Use Permit (CUP) for River Hill Farms, as written.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, and McNeil Nays: none
MOTION DECLARED PASSED.

MOTION: Motion was made by Forseth, seconded by McNeil to approve Ordinance 2009-08; Rezoning of property from A-1, Agricultural to GPUD, General Planned Unit Development with underlying zoning of R-1, Residential & R-1S, Residential, as written.

Ayes: D. Anderson, Forseth, Hoke, K. Anderson, and McNeil Nays: none
MOTION DECLARED PASSED.

ITEM I: Discussion regarding the Transportation Plan & River Hill Farms, east-west Roadway (requested by Council member McNeil – No staff report)

Council member McNeil brought the item to the Council for discussion. He mentioned the realignment of County Road 12 and voiced concerns about the transportation study and that the county road is one of the most heavily traveled roads. He thought County Road 12 should be a 4-lane road in the future. The current Dayton Comp Plan doesn’t indicate realignment for CR 12.

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 3 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES**

Council member McNeil noted that part of the discussions with Hennepin county was that CR 12 was the "Great River Road" and would remain a scenic road. County Road 144 would be more of the main road. There was discussion that Jim Grube, Hennepin County, should be invited to a future council meeting.

Staff will check with Hennepin County about the usages and opportunities for CR 12 and invite Jim Grube to a future meeting to discuss the county roads, and how much money Hennepin County has spent in the past five years on the roads in Dayton.

**ITEM J: CONSIDERATION OF PURCHASE OF FIRE PUMPER TRUCK (REQUEST
ITEM TO BE TABLED TO APRIL 28, 2009) S.R.# 45-2009**

Chief Denny Young asked to have the item tabled until further analysis was concluded regarding the purchase of the truck.

MOTION: Motion made by Hoke, seconded by McNeil to TABLE until April 28th Council meeting.

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

Nays: none

ITEM K: UPDATE OF COPS GRANT QUESTIONS RESPONSE S.R.#58 -2009
1) **Crime Stats**
2) **Comparative Stats**

Chief Pietrzak presented to the Council a more detailed report of the crime statistics for Dayton and the surrounding communities. The report included statistics and comparisons for Dayton, Champlin, Maple Grove, and Rogers.

Chief Pietrzak explained that with the additional part-time force, the officers are able to work 12-hour shifts which make the Department more visible. There are more officers assigned now to the overnight shifts. Chief reported that there has been an increase in theft from vehicles, and that most thefts occur during the evening hours. In past year, the Department has assigned more weekend shifts to the officers. The Department is currently working about 22 hours per day.

Council member McNeil commented on the statics and data in that there were discrepancies between information provided at the last meeting and the data provide for tonight's meeting. Chief Pietrzak commented that the Sheriff's Department has cut the number of hours there department spends in Dayton. Council member McNeil mentioned the report doesn't note the number of offices per

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 4 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES**

population in each city. Council member McNeil also wanted to make sure that the information is not bias and is accurate. Council member McNeil would like to have reports for each quarter. He did mention that the department does a great job, and is in support of the COPS grant. Chief Pietrzak noted that the DWI arrests have gone up because of more officers on duty.

It was noted by Chief Pietrzak that the COPS Grant would pay for an officer's wages for 3-years and would include the cost of living increases for each of the three years.

ITEM L: CONSIDERATION OF PURCHASE OF USED SEWER/WATER UTILITY TRUCK S.R.#59-2009

Administrator Orduno presented for consideration the purchase of a used sewer / water utility truck. The truck for sale is offered by the city of Fridley and was advertised on the League of Minnesota Cities website. The truck is a 1998 Chevrolet in good condition. It is equipped with a hoist for removing lift station pumps for inspection and repair. It also has toolbox storage for storage of tools needed for sewer and water inspections and emergencies on the vehicle. It is anticipated that staff would be able to utilize the truck for approximately 5 to 10 years.

MOTION: Motion made by Forseth, seconded by McNeil to approve the purchase of the used sewer/water utility truck from the City of Fridley in the amount not to exceed \$6,500.

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

Nays: none

MOTION DECLARED PASSED

ITEM M Ordinance #2009-06: Underground Utility Ordinance S.R.#60-2009

An ordinance regulating underground utilities was listed as a staff goal. The Ordinance explains the following:

1. Underground installations in new developments
2. Underground installations in existing developments
3. Repair and maintenance of existing overhead installations
4. Exceptions
5. Underground installations for new buildings

MOTION: Motion made by McNeil, seconded by Hoke to approve Ordinance 2009-06: Amending the City Code regarding Underground Utility.

COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 5 OF 8

CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES

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

Nays: none

MOTION DECLARED PASSED

**ITEM N Ordinance #2009-07: Prohibiting Discharges into the Sanitary Sewer System
S.R.#61-2009**

Asst. to Administrator Stwora presented an ordinance regulating discharges into the sanitary sewer system. The ordinance explains and prohibits certain discharges including those from roof, surface, groundwater sump pump, footing tile, swimming pool, natural precipitation or private sewage system.

The purpose of the ordinance is to limit needless discharge of the items listed above into the City's sanitary sewer system. Non-permitted discharge adds additional costs for treatment at the Metropolitan sewage treatment plant for water that does not need to be treated in the same matter as permitted sanitary sewer discharges.

Permanent installation providing year-round discharge outside the dwelling, building or structure is required. The ordinance requires immediate disconnections of the above items to the sanitary sewer system. City staff will create a handout detail plate to distribute with sewer/water connection permits. Information will also be posted online.

Inspections will be performed when the final inspection for connection is completed. If there is a question regarding illicit connection – the property owner must allow the City to inspect the questionable connection, or provide a certificate from a licensed plumber certifying that their property is in compliance with the ordinance. If an illicit connection is found, it must be immediately disconnected, or the property could be subject to a \$100.00 per month surcharge until the disconnection is made.

NOTE: ** Added language is bold and underlined and deleted language has strikethrough.

Attorney Hoff added language to 430.02 ...roof, surface, groundwater sump pump, ...swimming pool, **spa and hot tubs**, natural precipitation ...

Section 430.01; 430.02; 430.03: ...swimming pool, **spa and hot tub** now connected...

Section 430.01: last sentence: ...in the best interest of the City to prohibit such **discharges, and to impose surcharges estimating the burden placed on system from unlawful discharge and noncompliance with this ordinance.**

Section 430.07 : ...are not in compliance with this ordinance. ~~Or who have refused to allow their property to be inspected to determine if there is compliance.~~

Section 430.07: A **Minimum** surcharge of one hundred and 00/100 dollars...

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 6 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES**

...violated this ordinance will be subject to the minimum surcharge of \$100.00

MOTION: Motion made by Forseth, seconded by McNeil to approve Ordinance 2009-07 amending the Dayton Code Regarding Prohibiting Sanitary Sewer Discharges, as amended.

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

Nays: none

MOTION DECLARED PASSED

ITEM O: Ordinance #2009-09: AMENDING THE DAYTON ZONING ORDINANCE ZONING DISTRICTS THEREIN RE: PROPERTIES ALONG HEMLOCK LANE THAT WERE PART OF THE N.E. DAYTON SEWER PROJECT S.R.#62-2009

Asst. to Adm. Stwora presented Ordinance 2009-09 to the Council.

The City of Dayton has approved the extension of sanitary sewer and municipal water to existing developed unsewered R-2 lots located on Hemlock Lane in NE Dayton. There are 13 parcels on Hemlock Lane in NE Dayton zoned R-2 that were part of the project. Additional R-2 zoned parcels on 134th Avenue North had not elected to be part of the project and will not be rezoned.

All 13 parcels will be evaluated for resubdivision using the R-1, Single Family Residential district standards. The use of the existing R-1, Single Family Residential district standards is preferred to establishing a new zoning district with unique provisions to maintain a consistent character for sewer residential neighborhoods within the City while accommodating additional subdivisions.

MOTION: Motion made by Forseth, seconded by McNeil to approve Ordinance 2009-09; Amending the Dayton Zoning Ordinance by Amending Zoning Districts therein as written.

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

Nays: none

MOTION DECLARED PASSED

ITEM P: Consideration of Highway-Rail Signal Interface Agreement S.R.# 63-2009

Engineer Mark Hanson presented an agreement between the City of Dayton and BNSF Railway Company. The agreement provides for the construction of the interface between the traffic signal in CR 81 and the signal / gates for the holly Lane crossing by BNSF. The interface is required due to the location of the traffic signal and railroad crossing. The agreement states that Dayton would pay for the materials and installation of the interface and the work would be completed by BNSF in the

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 7 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES**

amount of \$21,430. The interface was not included in the original agreement for the at-grade crossing and signal / gates.

Attorney George Hoff asked that the Council consider two items:

- Item:2.G. Scope of Work: Attorney Hoff mentioned in the agreement there is no committed start date. He would like to have a start date in the agreement.
- Item 7: Insurance: Staff will be working with the Railroad regarding the insurance certificate. The City currently has Commercial General Liability insurance in the amounts of \$1,000,000 each occurrence and aggregate limit of \$3,000,000. The Railroad requires \$2,000,000 each occurrence and aggregate limit of \$4,000,000.

Engineer Hanson mentioned that the railroad would like to have the work completed in the next few weeks.

Mr. Hoff suggested that the agreement be approved subject to clarification of the start date and allow staff to work with the railroad regarding the insurance issues.

MOTION: Motion made by McNeil, seconded by Forseth to approve the agreement subject to clarification of start date and insurance.

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

Nays: none

MOTION DECLARED PASSED

REPORT OF OFFICERS

Financial Report: Finance Director Julie Linnihan mentioned that the Council will be getting quarter financial reports.

City Administrator: Administrator Orduno mentioned that Dayton Clean Up Day would be May 2nd.

Assistant to Adm.: Asst. to Adm. mentioned that the May Planning Commission has been cancelled.

Fire Department: Fire Chief Denny Young mentioned the Fire Relief Association Dance would be held on Friday, April 17th at the Champlin American Legion.

Engineer: Engineer Hanson reported on a meeting with Hennepin County regarding Goose Lake

**COUNCIL MEETING
APRIL 14, 2009
7:00 P.M.
PAGE 8 OF 8**

**CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES**

Road clean up and investigation of the contaminated site. The clean up will not be started until July. The site, a former dump, was determined to have been created in the early 1900's and then used again in 1930's.

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: April 28, 2009 ATTEST: _____