

AGENDA
CITY OF DAYTON, MINNESOTA
12260 S. Diamond Lake Road, Dayton, MN 55327
Tuesday, February 11, 2025

WORK SESSION GOAL SETTING- 5:00 P.M.

REGULAR MEETING OF THE CITY COUNCIL - 6:30 P.M.

The invite for Zoom for this meeting can be found on the City's website community calendar

- 6:30 **CALL TO ORDER**
- 6:30 **PLEDGE OF ALLEGIANCE**
- 6:35 **APPROVAL OF AGENDA**
- 6:35 **CONSENT AGENDA** *These routine or previously discussed items are enacted with one motion. Any questions on items should have those items removed from consent agenda and approved separately.*
- A. Approval of Council Meeting Minutes of January 28, 2025
- B. Approval of Payment of Claims for February 11, 2025
- C. Approval of Pay Request 6 for Wellhouse 5 Project
- D. Approval of Pay Request 4 for Dayton HMGP Generators Project
- E. Approval of Resolution 10-2025; Safe Routes to School
- F. Approval of Resolution 09-2025; Advance Municipal State Aid Funds
- 6:40 **OPEN FORUM** *Is limited to Three minutes for non-agenda items; state your name and address; No Council Action will be taken and items will be referred back to staff*
- 6:50 **STAFF, CONSULTANT AND COUNCIL UPDATES**
- PRESENTATION**
- 7:05 G. Sheriff Witt Hennepin County
- COUNCIL BUSINESS**
- New Business**
- 7:20 H. Care Resources Presentation from Amy Lucht
- 7:35 I. Discussion on Tax Forfeit Properties
- Action Items**
- 7:40 J. Authorize Preparation of Plans and Specifications for the North Diamond Lake Road Trail Crossing- Extension Project
- 7:50 K. Resolution 11-2025; Approval of Interim Use Permit at 15430 Brockton Lane North (Herbes)
- 8:05 L. Ordinance 2025-02; City Code Amendment Regarding Garbage and Refuse
- 8:15 **ADJOURNMENT**

The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

Mayor Fisher called the public meeting to order at 6:30 p.m.

PRESENT: Mayor Dennis Fisher, David Fashant, Stephanie Henderson Scott Salonek, and Sara Van Asten

ABSENT:

ALSO PRESENT: Public Works Superintendent, Marty Farrell; City Engineer, Jason Quisberg; Fire Chief, Gary Hendrickson; Police Chief, Paul Enga; City Administrator/Finance Director, Zach Doud; Community Development Director, Jon Sevald; City Attorney, Amy Schmidt

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

MOTION: Motion was made by Councilmember Fashant, seconded by Councilmember Van Asten to approve the agenda items, as presented. Motion carries unanimously.

CONSENT ITEMS:

- A. Approval of Work Session and Council Meeting Minutes of January 14, 2025
- B. Approval of Payment of Claims for January 28, 2025
- C. Approval of Resolution 05-2025; Accepting \$100 Donation for the Medallion Hunt from Ace Solid Waste
- D. Approval of Resolution 06-2025; Accepting \$250 Donation for the Medallion Hunt from States Manufacturing
- E. Approval of Resolution 07-2025; Accepting \$100 Donation for the Medallion Hunt from Mobile Radio Engineering
- F. Approval of Resolution 08-2025; Accepting \$100 Donation for the Easter Egg Hunt from Sundance Entertainment

Fashant stated that in the Minutes, under R, Fashant was assigned Assistant Lead Inspector for Metro Cities, and he does not know what that is. Doud and Fisher explained that Fashant is an alternate for the Northwest Mayors' Association.

Fashant requested clarification for the bill in Payment of Claims for Social Media Archival. Enga stated that it is the back-up for any social media requests.

Fashant referred to page 23 of the packet and asked for clarification for Home Security Abstract and Title fee. Doud stated that this is the purchase price for the property located at 117th Avenue. The purchase was pre-approved, and this is the official documentation.

Fashant referenced page 28 of the packet and requested clarification for the Opus Development charge. Quisberg stated that this is for improvements that were associated with the interchange. Opus Development did the work on behalf of the City.

Additional discussion ensued.

MOTION: Motion was made by Councilmember Fashant, seconded by Councilmember Salonek, to approve the Consent Agenda as presented. The motion carries unanimously.

OPEN FORUM:

Marcia Grover of 11320 Fernbrook Lane came forward and stated that she is here to again speak about the proposed gas station/convenience store near her property. Grover stated that there are already four and soon-to-be seven gas stations within a five-mile radius of the proposed gas station/convenience store. Grover asked why the City Council believes the south end of Dayton needs so many gas stations. Grover referred to all the negatives that are associated with gas stations.

Kathy Powers of 11461 Fernbrook Lane came forward to speak about the letter that she received from the EAW regarding the DCM project. Powers stated that she is totally against making any portion of the farmland commercial or retail. Powers believe the cart is coming before the horse because the traffic on Fernbrook Lane has not been dealt with. Powers stated that her family moved to Dayton about 50 years ago and they chose the area because of the rural feel. The proposed plan will take away from the rural feel.

Lee Hallquist of 11471 Fernbrook Lane came forward and stated that it is the end of January, and he is still sump-pumping water from his property. Hallquist stated that he's pumping out more water than he's using, so he doesn't believe that it could be an internal leak. Hallquist stated that the City approved the plan that has forced the excess water onto his personal property, the City has skin in the game, and the City needs to fix the problem.

Keith Grover of 11320 Fernbrook Lane came forward and stated that the water run-off near Sundance has a direct impact on his property. Grover doesn't understand why the Planning Commission and City Council bend over backwards to push the plans of the developers, rather than following the Comp Plan. Grover raised concerns over the traffic control problems and stated that a buffer zone is needed. Grover stated that the potential for commercial development is the straw that breaks the camel's back for him. It does not belong in the middle of a housing project.

STAFF, CONSULTANT, AND COUNCIL UPDATES:

Farrell gave a brief update on Well 4 and stated that it is behind schedule because of the freezing temperatures.

Farrell stated that six proposals were received for the work in Elsie Stephens Park. Staff are in the process of trimming it down to three candidates for the Parks Commission to review at their next meeting. At the Parks Commission Meeting, the hope is to trim it down

to two candidates to make a presentation for the City Council. Ideally, the contract will be awarded in February.

Hendrickson stated that the Northwest Fire Academy started last Wednesday. There are a total of 16 students, not specific to Dayton.

Hendrickson stated that he shared, via email, the 2025 revisions that need to take place for the Emergency Operations Plan. There are 17 annexes contained within the planning documents. The plan is to review the planning documents over the next 10-11 months and have it completed by the end of the year.

Farrell stated that he forgot to update Council on the \$14,000 budgeted broom. In the process of attempting to trim the cost back Farrell located a used unit for \$6,000. Farrell asked for approval from the Council to go ahead and make the purchase. There was consensus to approve the purchase.

Sevald stated that several projects have been submitted. February, March, and April will be very busy.

Salonek raised concern about not knowing what is happening with potential DCM development.

Van Asten asked if the Council could discuss the possibility of having a Lighting Ordinance in Dayton. The answer is yes.

COUNCIL BUSINESS

New Business:

G. Change Orders and Contracts Information

Quisberg came forward and stated that he's here to share information regarding City infrastructure projects, but there is no need for Council action at this time. Quisberg stated that the steps typically involved with improvement projects usually begin with contracting either by public bids or invitational quotes. Most of the focus is on contract type and change orders. Past Dayton project metrics are reviewed during the process.

Quisberg stated that when an improvement project is identified, Staff usually identifies options, a Feasibility Study is completed, the design is completed, and bids are solicited. Once the contract is awarded, the improvements are constructed, the project is accepted and then closed.

Quisberg stated that public bids must be utilized by Statutory requirements if a project construction cost is over \$175,000. Whenever there is a public bid, the project is required to be publicized in the City's "trade publication" (QuestCDN).

The City cannot pick or choose the bidders. State Statute mandates that the City is obligated to select the lowest bidder.

Quisberg stated that if the construction cost for a project is below \$175,000, the City has the option to solicit direct quotes, also known as invitational quotes. The City has full discretion on which companies receive invitational quotes. Under these circumstances, the City is not required to go with the lowest bid but most often does. Quisberg noted that solicitation is most often more efficient because there is no need for publication, and the contracts are simplified.

Quisberg stated that the contracts often used are: 1) Lump Sum; 2) Time and Materials; and 3) Unit Price. In Lump Sum Contracts, the parties agree on a fixed price for the entire project or phase. This is best for projects with a well-defined scope of work. In Time and Materials Contracts, contractors bill for all material costs and labor at an hourly rate. These are helpful for projects with an uncertain scope. In Unit Price Contracts, work is divided into fixed cost units, and contractors bill for each unit separately. These are useful for projects with an uncertain number of repeatable elements. These are also the most common (almost all) for Dayton.

Quisberg stated that change orders are required when there are changes in the contract terms. A change order is not typically required for an under-run or an over-run bid item quantities unless the change is greater than 20% or a unit price adjustment is warranted. Generally, there are three causes for change orders: 1) Unforeseen Conditions; 2) Owner Directed Changes; and 3) Plan Error/Omission.

Discussion ensued.

Quisberg stated that change orders in general should be considered an unanticipated cost rather than an extra cost.

Action Items:

H. Stormwater Project Funding

Quisberg stated that Elm Creek Watershed secured grant funding for projects across the watershed. Dayton requested funding for three projects within the City, and all three projects were approved for use of grant funds. The action requested at the end of this presentation is for permission to use the grant funding. Project one is a Feasibility Study to look at what could be done in the French Lake area for treating runoff from the mobile home park prior to discharge to French Lake. The total cost is \$15,000. The grant funding is \$15,000. There will be no charge to the City.

Discussion ensued.

Project two is to install two devices to treat runoff from the neighborhood immediately north of Diamond Lake at current discharge points to the lake. The project cost is \$70,000. The grant funding is \$58,000. The cost to the City is \$12,000.

Additional discussion ensued.

Project three is a Feasibility Study in the Diamond Lake area. The purpose of this project is to study Grass Lake to better understand and manage the lake to improve the quality of Diamond Lake. The project cost is \$35,000. The grant funding is \$35,000. There may be some required monitoring that is not covered by the grant funding at a cost of about \$10,000 to the City.

Additional discussion ensued.

Quisberg stated that the only action required of the City Council is to approve the Cooperative and Subgrant Agreement to secure the funding, determine monitoring needs for Grass Lake Study, and consider completion of the identified projects.

Fashant has questions about the limit on reimbursements.

Quisberg stated that he's not surprised, but he has not studied the documents enough to answer definitively. However, Quisberg did state that the Elm Creek Watershed does have a firm policy that the amount of money granted does not provide for any additional funding. Quisberg further stated that the scope of the project could be cut if the City chose not to add additional needed funding.

MOTION: Motion was made by Councilmember Salonek, seconded by Councilmember Van Asten to approve Cooperative and Subgrant Agreement. Motion carries unanimously.

ADJOURNMENT

Fisher declared the meeting adjourned at 7:49 p.m.

Respectfully Submitted,

Sandra Major, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

Approved: _____

Attest: Amy Benting

Payments to be approved at City Council Meeting February 11, 2025

	Totals
Claims Roster 02-11-2025	\$ 683,943.05
Prepaid 01-30-2025 EB	\$ 73,602.47

Total Payments:	\$ 757,545.52
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Payroll 01-30-2025 Bi-Weekly 03	\$ 108,854.85
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Check # sequence to be approved by City Council from meeting date of 02/11/2025:

Checks # 078409-078474

02/05/2025

INVOICE REGISTER REPORT FOR CITY OF DAYTON MN
 EXP CHECK RUN DATES 02/11/2025 - 02/11/2025
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnized Post Date
	21ST CENTURY BANK RETURN CHECK FEE; UB 1755 101-40700-34710	01/22/2025 DBRUNETTE	01/22/2025	4.00	0.00	Paid	Y 01/22/2025
	RETURN CHECK FEE; UB 1755			4.00			
	A-1 OUTDOOR POWER INC PARKS; HARNESS/AIR FILTER 101-45200-50220	01/24/2025 CHOYT	02/11/2025	105.96	105.96	Open	N 01/22/2025
	PARKS; HARNESS/AIR FILTER			105.96			
	ANNE JEDLICKI DANGEROUS ANIMAL REGISTRATION REFUND 101-40300-32180	02/05/2025 CHOYT	02/11/2025	499.00	499.00	Open	N 02/04/2025
	DANGEROUS ANIMAL REGISTRATION REFUND			499.00			
	ASPEN MILLS PD; UNIFORM-PROMOTION 101-42120-50217	02/04/2025 CHOYT	02/11/2025	85.00	85.00	Open	N 01/29/2025
	PD; UNIFORM-PROMOTION			85.00			
	ASPEN MILLS PD; UNIFORM-PROMOTION 101-42120-50217	02/04/2025 CHOYT	02/11/2025	138.40	138.40	Open	N 01/27/2025
	PD; UNIFORM-PROMOTION			138.40			
	BANK FEE-ADJ WIRE FEE: LAND PURCHASE (HOME SECURITY AE 410-41900-50300	12/05/2024 DBRUNETTE	12/05/2025	20.00	0.00	Paid	Y 12/05/2024
	WIRE FEE: LAND PURCH HOME SECURITY/TITLE			20.00			
	BANK FEE-ADJ WIRE TRANSFER FEE 225-41710-50300	01/06/2025 DBRUNETTE	01/06/2025	20.00	0.00	Paid	Y 01/06/2025
	WIRE TRANSFER FEE			20.00			
	BANK FEE-ADJ	01/31/2025	01/31/2025	50.00	0.00	Paid	Y

JAN BANK FEES	DBRUNETTE						01/31/2025
101-41500-50309	JAN BANK FEES; CASH MGMT			25.00			
101-41500-50309	JAN BANK FEES; SCANNER			25.00			
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BEAUDRY		01/24/2025	02/11/2025	1,688.50	1,688.50	Open	N
PW; ULS DYED KODIAK PLUS 50/50- 550.00	CHOYT						01/26/2025
101-43100-50212	PW; ULS DYED KODIAK PLUS 50/50- 550.00			1,688.50			
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BEAUDRY		01/24/2025	02/11/2025	1,552.80	1,552.80	Open	N
PW; UNLEADED 87 -600.00	CHOYT						01/16/2025
101-43100-50212	PW; UNLEADED 87 -600.00			1,552.80			
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BEAUDRY		01/24/2025	02/11/2025	1,189.12	1,189.12	Open	N
PW; OIL DELIEVERY	CHOYT						01/17/2025
101-43100-50210	EAGLE GOLD 15W40 HD CK4-80.10			1,042.90			
101-43100-50210	ULTRAPURE DEF-37.60			131.22			
101-43100-50210	DELIVERY FEE			15.00			
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BEAUDRY		01/28/2025	02/11/2025	506.00	506.00	Open	N
PW; EAGLE GOLD 5W20 GF6	CHOYT						01/22/2025
101-43100-50210	PW; EAGLE GOLD 5W20 GF6			491.00			
101-43100-50210	DELIVERY FEE			15.00			
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BEAUDRY		01/28/2025	02/11/2025	869.40	869.40	Open	N
PD; EG FULL SYN 5W20-BULK-62.10	CHOYT						01/17/2025
101-42120-50200	PD; EG FULL SYN 5W20-BULK-62.10			869.40			
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BEAUDRY		02/04/2025	02/11/2025	2,189.05	2,189.05	Open	N
PW; UNLEADED 87 -856.10	CHOYT						01/27/2025
101-43100-50212	PW; UNLEADED 87 -856.10			2,189.05			
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BLACK & VEATCH		01/28/2025	02/11/2025	1,775.00	1,775.00	Open	N
WELL 4 & 5 FILTRATION DET DES; DEC 2024	CHOYT						12/31/2024
601-00000-16500	WELL 4 & 5 FILTRATION DET DES; DEC 2024			1,775.00			
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BS&A SOFTWARE INC		01/29/2025	02/11/2025	330.00	330.00	Open	N
PERMIT APP SUBMISSION 10.3-12.3.20253	CHOYT						01/29/2025
101-41710-50205	PERMIT APP SUBMISSION 10.3-12.3.2025			330.00			
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C. VISION PRODUCTION	01/30/2025	02/11/2025	600.00	600.00	Open	N
DRONE VIDEOGRAPHY/DAYTON WINTER PHOTOS	CHOYT					01/29/2025
226-41900-50430	DRONE VIDEOGRAPHY/DAYTON WINTER PHOTOS		600.00			
C. VISION PRODUCTION	01/30/2025	02/11/2025	2,475.00	2,475.00	Open	N
VIDEO TECH; JANUARY 2025	CHOYT					01/29/2025
226-41900-50430	VIDEO TECH; JANUARY 2025		2,475.00			
CARSON, CLELLAND & SCHREDER	02/04/2025	02/11/2025	2,000.00	2,000.00	Open	N
CRIMINAL PROSECUTION; JAN 2025	CHOYT					01/30/2025
101-41640-50305	CRIMINAL PROSECUTION; JAN 2025		2,000.00			
CENTURYLINK	01/24/2025	02/11/2025	218.01	218.01	Open	N
PW; WELLHOUSE 2 LANDLINE/WATER SYSTEM SCADA	CHOYT					01/24/2025
601-49400-50321	PW; 763 323-0023 WATER SYSTEM SCADA		109.01			
602-49400-50321	PW; 763 323-0975 WELLHOUSE 2 LANDLINE		109.00			
CENTURYLINK	01/28/2025	02/11/2025	47.41	47.41	Open	N
PW; 763 428-7345 JAN-FEB 2025	CHOYT					01/21/2025
101-43100-50321	PW; 763 428-7345 JAN-FEB		47.41			
CINTAS	01/24/2025	02/11/2025	121.12	121.12	Open	N
PW; UNIFORMS	CHOYT					01/24/2025
101-43100-50217	PW; UNIFORMS		121.12			
CINTAS	02/04/2025	02/11/2025	191.11	191.11	Open	N
PW; UNIFORMS	CHOYT					01/30/2025
101-43100-50217	PW; UNIFORMS		191.11			
CITY OF MAPLE GROVE	01/28/2025	02/11/2025	192,193.76	192,193.76	Open	N
WAC FEES; 4TH QTR 2024	CHOYT					12/31/2024
601-00000-20805	WAC FEES; 4TH QTR 2024		192,193.76			
CITY OF OTSEGO	01/24/2025	02/11/2025	18,946.90	18,946.90	Open	N
SANITARY SEWER BILLING FOR 2024	CHOYT					12/31/2024
602-49400-50314	SANITARY SEWER BILLING FOR 2024		18,946.90			

CONNEXUS ENERGY	01/24/2025	02/11/2025	29.85	29.85	Open	N
325071; 13699 PINEVIEW LANE; DEC-JAN 2025	CHOYT					12/31/2024
101-43100-50230	325071; 13699 PINEVIEW LANE; DEC-JAN		29.85			
CONNEXUS ENERGY	01/24/2025	02/11/2025	5,283.04	5,283.04	Open	N
ELECTRIC SERVICES/ DEC-JAN 2025	CHOYT					01/21/2025
101-43100-50230	172514 ST LIGHTS; DEC-JAN 2025		40.01			
101-43100-50230	172516 ST LIGHTS; DEC-JAN 2025		2,347.17			
101-43100-50230	172802 ST LIGHTS; DEC-JAN 2025		64.20			
101-43100-50230	172803 ST LIGHTS; DEC-JAN 2025		251.18			
101-42130-50381	173098 SIREN; DEC-JAN 2025		21.40			
602-49400-50381	178838 141ST OUTBUILDING; DEC-JAN 2025		35.03			
601-49400-50381	299049 WELL#2; DEC-JAN 2025		1,952.86			
602-49400-50381	299195 ROSEWOOD LIFT; DEC-JAN 2025		72.48			
601-49400-50381	299380 WATER TOWER; DEC-JAN 2025		203.69			
602-49400-50381	303882 PINEVIEW LIFT; DEC-JAN 2025		65.52			
602-49400-50381	307062 HACKBERRY LIFT; DEC-JAN 2025		112.64			
101-42130-50381	309045 E FRENCH SIREN; DEC-JAN 2025		17.40			
101-43100-50230	317271 ST LIGHTS; DEC-JAN 2025		99.46			
COORDINATED BUSINESS SYSTEMS	02/04/2025	02/11/2025	137.65	137.65	Open	N
ENGINEER PRINTER-KYOCERA COPIER	CHOYT					01/16/2025
101-41810-50308	ENGINEER PRINTER-KYOCERA COPIER		137.65			
CREATIVE HOME SOLUTIONS	02/05/2025	02/11/2025	12,825.00	12,825.00	Open	N
FD; FIRE BATHROOM REMODEL	CHOYT					02/03/2025
410-41900-50530	FD; FIRE BATHROOM REMODEL		12,825.00			
CREATIVE HOME SOLUTIONS	02/05/2025	02/11/2025	13,950.00	13,950.00	Open	N
FD; FIRE BATHROOM REMODEL	CHOYT					02/03/2025
410-41900-50530	FD; FIRE BATHROOM REMODEL		13,950.00			
CROW RIVER FARM EQUIPMENT	01/29/2025	02/11/2025	549.07	549.07	Open	N
PW/FD; SUPPLIES	CHOYT					12/31/2024
101-43100-50210	PW; MIDLINKS FOR PLOWS		535.32			
101-42260-50200	FD; SUPPLIES		13.75			
EBERT CONSTRUCTION	02/05/2025	02/11/2025	54,191.99	54,191.99	Open	N

DAYTON WELLHOUSE #5- PAY 6	CHOYT						02/05/2025
601-00000-16500	DAYTON WELLHOUSE #5- PAY 6			57,044.20			
601-00000-20600	RETAINAGE PAYABLE			(2,852.21)			
ELIZABETH DECKER	02/04/2025	02/11/2025		86.80	86.80	Open	N
MILEAGE; JAN 2025	CHOYT						02/03/2025
101-41910-50331	MILEAGE; JAN 2025			86.80			
EMERGENCY APPARATUS	02/05/2025	02/11/2025		660.37	660.37	Open	N
FD; REPAIR/ENGINE 21	CHOYT						12/31/2024
101-42260-50220	FD; REPAIR/ENGINE 21			660.37			
EMERGENCY AUTOMOTIVE TECHNOLOGIES	02/04/2025	02/11/2025		16,878.63	16,878.63	Open	N
PD; OTHER EQUIPMENT UNIT 2510	CHOYT						01/31/2025
401-42120-50580	PD; OTHER EQUIPMENT UNIT 2510			16,878.63			
FORCE AMERICA DISTRIBUTING LLC	02/04/2025	02/11/2025		109.75	109.75	Open	N
PW; DECAL SHEET; PATROL COMMANDER	CHOYT						01/31/2025
101-43100-50220	PW; DECAL SHEET; PATROL COMMANDER			109.75			
FULLY PROMOTED/EMBROIDME	01/30/2025	02/11/2025		196.00	196.00	Open	N
PD; DANGEROUS DOG SIGNS	CHOYT						01/28/2025
101-42120-50200	PD; DANGEROUS DOG SIGNS			196.00			
GOPHER STATE ONE-CALL	02/04/2025	02/11/2025		214.70	214.70	Open	N
122 BILLABLE TICKETS; JAN 2025	CHOYT						01/31/2025
601-49400-50220	122 BILLABLE TICKETS; JAN 2025			107.35			
602-49400-50220	122 BILLABLE TICKETS; JAN 2025			107.35			
GRAINGER, INC	02/05/2025	02/11/2025		1,331.57	1,331.57	Open	N
PW; OPERATING SUPPLIES-ROLLING LADDER	CHOYT						01/21/2025
101-43100-50210	PW; OPERATING SUPPLIES			1,331.57			
GUIDANCEPOINT TECHNOLOGIES	02/04/2025	02/11/2025		506.00	506.00	Open	N
IT; SUBSCRIPTIONS/MEMBERSHIP-MICROSOFT	CHOYT						01/31/2025
101-41810-50205	IT; SUBSCRIPTIONS/MEMBERSHIP-MICROSOFT			506.00			
GUIDANCEPOINT TECHNOLOGIES	02/04/2025	02/11/2025		175.00	175.00	Open	N

PD; CONTRACT SERVICES	CHOYT						01/30/2025
101-42120-50308	PD; CONTRACT SERVICES			175.00			
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GUIDANCEPOINT TECHNOLOGIES	02/04/2025	02/11/2025		305.00	305.00	Open	N
IT; PROFESSIONAL SRVS- BACKUP	CHOYT						01/30/2025
101-41820-50300	IT; PROFESSIONAL SRVS- BACKUP			305.00			
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HAWKINS, INC	01/28/2025	02/11/2025		4,349.08	4,349.08	Open	N
PW; CHEMICALS	CHOYT						01/14/2025
601-49400-50216	PW; CHEMICALS			4,349.08			
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HENNEPIN COUNTY FIRE CHIEFS	01/29/2025	02/11/2025		425.00	425.00	Open	N
FD; BLUE CARD TRAINING-M LUCHT	CHOYT						01/14/2025
101-42260-50208	FD; BLUE CARD TRAINING-M LUCHT			425.00			
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HENNEPIN COUNTY FIRE CHIEFS	01/29/2025	02/11/2025		425.00	425.00	Open	N
FD; BLUE CARD TRAINING-K ASTRUP	CHOYT						01/14/2025
101-42260-50208	FD; BLUE CARD TRAINING-K ASTRUP			425.00			
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HENNEPIN COUNTY -PROPERTY TAX	02/04/2025	02/11/2025		20,162.12	20,162.12	Open	N
DEC 2024 OVER SETTLEMENT TIF DIST. 2528-DAY	CHOYT						12/31/2024
379-47000-31050	DEC 2024 OVER SETTLEMENT TIF DIST. 2528			20,162.12			
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LAKETOWN ELECTRIC CORPORATION	02/05/2025	02/11/2025		38,000.00	38,000.00	Open	N
PAY APP 4; DAYTON HMGP GENERATORS	CHOYT						02/05/2025
410-42260-50530	PAY APP 4; DAYTON HMGP GENERATORS			40,000.00			
410-00000-20600	RETAINAGE PAYABLE			(2,000.00)			
<hr/>							
METROPOLITAN COUNCIL	02/05/2025	02/11/2025		51,586.39	51,586.39	Open	N
177.22 WASTE WATER SERVICE; MAR 2025	CHOYT						02/03/2025
602-49400-50313	177.22 WASTE WATER SERVICE; MAR 2025			51,586.39			
<hr/>							
MHSRC/RANGE	01/24/2025	02/11/2025		525.00	525.00	Open	N
PD; EVOC/PIT REFRESHER HYBRID/D JOHNSON	CHOYT						01/22/2025
101-42120-50208	PD; EVOC/PIT REFRESHER HYBRID/D JOHNSON			525.00			
<hr/>							
MIDWEST OVERHEAD CRANE	02/04/2025	02/11/2025		691.35	691.35	Open	N
ANNUAL INSPECTIONS-MANLIFT RENTAL	CHOYT						12/31/2024

101-43100-50220	ANNUAL INSPECTION			691.35			
MIDWEST OVERHEAD CRANE	02/04/2025	02/11/2025		661.73	661.73	Open	N
ANNUAL INSPECTIONS 2023	CHOYT						12/31/2024
101-43100-50220	ANNUAL INSPECTIONS 2023			661.73			
MUTUAL OF OMAHA	01/28/2025	02/11/2025		1,450.94	1,450.94	Open	N
G000CL6X: STD/LTD PREMIUM- FEB 2025	CHOYT						01/28/2025
101-00000-21705	G000CL6X: STD/LTD PREMIUM- FEB 2025			1,450.94			
NICOLE IVESDAL	02/04/2025	02/11/2025		600.00	600.00	Open	N
DAC RENTAL DEPOSIT REFUND:EVENT 1/24/25	CHOYT						01/24/2025
101-00000-21716	DAC RENTAL DEPOSIT REFUND:EVENT 1/24/25			600.00			
REPUBLIC SERVICES, INC.	02/05/2025	02/11/2025		19,196.17	19,196.17	Open	N
CITY RECYCLING- JAN 2025	CHOYT						01/31/2025
101-41650-50386	CITY RECYCLING- JAN 2025			19,196.17			
RITEWAY	01/29/2025	02/11/2025		238.56	238.56	Open	N
CH; CITY CHECKS REORDER	CHOYT						01/28/2025
101-41500-50200	CH; CITY CHECKS REORDER			238.56			
SECURITY 101 MINNEAPOLIS	01/24/2025	02/11/2025		370.00	370.00	Open	N
SECURITY CAMERAS OFFLINE REPAIR	CHOYT						01/22/2025
101-41810-50223	SECURITY CAMERAS OFFLINE REPAIR			370.00			
STANTEC CONSULTING SERVICES INC.	01/29/2025	02/11/2025		143,290.36	143,290.36	Open	N
ENGINEERING SVCS; DECEMBER 2024	CHOYT						12/31/2024
101-41630-50303	GEN. ENGINEERING RETAINER; DEC 2024			4,300.00			
101-41630-50303	GEN. ENGINEERING; DEC 2024			5,700.20			
101-41660-50308	BUILDING PERMIT ACTIVITIES; DEC 2024			4,005.99			
601-49400-50303	WATER SUPPLY & DISTRIBUTION; DEC 2024			2,573.80			
602-49400-50303	SANITARY SEWER SYSTEM; DEC 2024			1,775.60			
415-41900-50300	STORMWATER; DEC 2024			8,896.80			
414-41900-50303	TRANSPORTATION; DEC 2024			7,630.80			
408-45300-50303	TRAILS; DEC 2024			1,725.80			
601-49400-50303	GIS/MAPPING; DEC 2024			839.60			
602-49400-50303	GIS/MAPPING; DEC 2024			839.60			

411-43100-50303-1006	RIVER HILLS-M/I HOMES; DEC 2024	404.75
411-43100-50303-6098	SUNDANCE GREENS; DEC 2024	1,311.76
411-43100-50303-6075	CLOQUET ISLAND ESTATES(CYPRESS) DEC 2024	687.56
411-43100-50303-6105	IONE GARDENS; DEC 2024	159.50
411-43100-50303-6120	SUNDANCE GREENS-LENNAR; DEC 2024	2,320.27
411-43100-50303-6131	MTL COMPANIES; DEC 2024	64.49
411-43100-50303-6143	RIVERWALK; DEC 2024	2,563.60
411-43100-50303-6150	THE CUBES OF FRENCH LAKE (CRG) DEC 2024	64.49
411-43100-50303-6149	KWIK TRIP-MAPLE CT; DEC 2024	674.00
411-43100-50303-6147	LEE PROPERTY; DEC 2024	6,775.94
411-43100-50303-6167	CAPITAL PARTNERS; DEC 2024	831.47
411-43100-50303-6180	NEIGHBORHOOD ON DAYTON PKWY; DEC 2024	10,928.75
411-43100-50303-6170	SCHANY PROPERTIES; DEC 2024	2,738.00
411-43100-50303-6165	OPUS; DEC 2024	311.08
411-43100-50303-6178	FISHER APPLE ORCHARD; DEC 2024	314.77
601-49400-50303	DAYTON WATER COMP PLANS; DEC 2024	12,634.80
602-49400-50303	DAYTON SEWER COMP PLANS; DEC 2024	12,634.80
410-41900-50300	HAZARD MITIGATION GRANT PROGRAM; DEC	1,764.00
414-41900-50303	DAYTON 2024 MILL & OVERLAY; DEC 2024	33.80
601-49400-50303	DAYTON HUD ENVIRONMENTAL; DEC 2024	1,018.80
411-43100-50303-6203	DCM FARMS; DEC 2024	1,482.00
411-43100-50303-6204	SCANY PROPERTY (NORTH); DEC 2024	463.00
411-43100-50303-6142	ATLAS ACRES; DEC 2024	317.57
601-00000-16500	DAYTON WELLHOUSE #5 PRELIM-DEC 2024	3,586.11
601-49400-50303-2005	WATERMAIN EXTENSION; DEC 2024	1,728.72
408-45300-50303	ELSIE STEPHENS CANOE/KAYAK LAUNCH;DEC	4,027.60
414-41900-50303	2025 SOUTH DIAMOND LK RD IMPROV.- DEC	9,729.60
225-41710-50300	LENT PROPERTIES PHASE 1- DEC 2024	199.60
411-43100-50303-6203	DAYTON DCM FARMS EAW- DEC 2024	14,808.50
414-41900-50303	SPANIER ADDITION PHASE 1 ESA; DEC 2024	7,445.84
414-41900-50303	DAYTON PKWY TRAFFIC SIGNALS; DEC 2024	1,963.80
601-49400-50303	TERRITORIAL RD IMPROVEMENTS FEASIBILITY	1,013.20

STREICHERS, INC	01/28/2025	02/11/2025	23.98	23.98	Open	N
PD; UNIFORM-D. JOHNSON	CHOYT					01/21/2025
101-42120-50217	PD; UNIFORM-D. JOHNSON		23.98			

STREICHERS, INC	01/28/2025	02/11/2025	464.00	464.00	Open	N
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PD; 9MM DUTY	CHOYT						01/24/2025
101-42120-50580	PD; 9MM DUTY			464.00			
<hr/>							
T MOBILE		02/04/2025	02/11/2025	961.02	961.02	Open	N
CH/PW; 990673180 CELL SVC DEC-JAN 2025	CHOYT						01/21/2025
101-43100-50321	PW; CELL SVC			584.43			
601-49400-50321	PW; CELL SVC			52.83			
602-49400-50321	PW; CELL SVC			52.82			
101-41910-50321	AC; CELL SVC			79.00			
101-41710-50321	PLANNING; CELL SVC			82.09			
101-41310-50320	CH;ADMINISTRATOR CELL SVC			39.35			
101-41420-50320	CH; CLERK CELL SVC			39.35			
101-41500-50320	CH; HOT SPOT			31.15			
<hr/>							
T MOBILE		02/04/2025	02/11/2025	987.56	987.56	Open	N
PD; 990673330 CELL SVC- JAN 2025	CHOYT						01/21/2025
101-42120-50320	PD; 990673330 CELL SVC- JAN			987.56			
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TRAUT COMPANIES		02/05/2025	02/11/2025	4,400.00	4,400.00	Open	N
RIG 380-VERIFY WHERE SAND IS COMING FROM-	CHOYT						01/18/2025
601-49400-50220	RIG 380-VERIFY WHERE SAND IS COMING FROM			4,400.00			
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TRAUT COMPANIES		02/05/2025	02/11/2025	54,650.00	54,650.00	Open	N
PW; DAYTON WELL #4 REHAB	CHOYT						01/19/2025
601-49400-50220	PW; DAYTON WELL #4 REHAB			54,650.00			
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WATER DOCTORS WATER TREATMENT CO.		01/28/2025	02/11/2025	16.00	16.00	Open	N
BD PAYMENT REFUND-DOUBLE PAYMENT CC ON CHOYT							01/28/2025
101-00000-20200	State Surcharge - \$1			1.00			
101-00000-20200	Water Softener			15.00			
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WATER LABORATORIES, INC		02/04/2025	02/11/2025	565.20	565.20	Open	N
WATER TESTING; JAN 2025	CHOYT						02/03/2025
601-49400-50300	WATER TESTING; JAN 2025			565.20			
<hr/>							
XCEL ENERGY		01/24/2025	02/11/2025	4.12	4.12	Open	N
51-5815803-3 F SIREN; DEC-JAN 2025	CHOYT						01/24/2025
101-42130-50381	51-5815803-3 F SIREN; DEC-JAN 2025			4.12			
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XCEL ENERGY	01/24/2025	02/11/2025	22.22	22.22	Open	N
51-0012400696-3;RUSH CR; DEC-JAN 2025	CHOYT					01/24/2025
101-45200-50381	51-0012400696-3;RUSH CR; DEC-JAN 2025		22.22			
<hr/>						
XCEL ENERGY	01/24/2025	02/11/2025	165.99	165.99	Open	N
51-4585810-2 S DIA LK/LAWNDALE; DEC 2024	CHOYT					12/31/2024
101-43100-50381	51-4585810-2 S DIA LK; DEC 2024		52.65			
602-49400-50381	51-4585810-2 LAWNDALE; DEC 2024		102.59			
602-49400-50381	51-4585810-2 PRO LGT; DEC 2024		10.75			
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XCEL ENERGY	02/04/2025	02/11/2025	75.47	75.47	Open	N
51-9348440-7 TROY ST LGT; JAN 2025	CHOYT					01/31/2025
101-43100-50230	51-9348440-7 TROY ST LGT; JAN 2025		75.47			
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XCEL ENERGY	02/04/2025	02/11/2025	81.13	81.13	Open	N
51-8932050-3 CR81; JAN 2025	CHOYT					01/30/2025
101-43100-50230	51-8932050-3 CR81; JAN 2025		81.13			
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XCEL ENERGY	02/04/2025	02/11/2025	675.07	675.07	Open	N
51-8556975-3;17780 TERRITORIAL/S.L.-JAN 2025	CHOYT					01/30/2025
101-43100-50230	51-8556975-3;17780 TERRITORIAL/S.L.-JAN		675.07			
<hr/>						
XCEL ENERGY	02/04/2025	02/11/2025	1,745.14	1,745.14	Open	N
51-6111142-2;16471 S. DIAMOND/S.L.-JAN 2025	CHOYT					01/30/2025
101-43100-50230	51-6111142-2;16471 S. DIAMOND/S.L.-JAN		1,745.14			
<hr/>						
XCEL ENERGY	02/04/2025	02/11/2025	31.94	31.94	Open	N
51-5420841-2 ST LGT; JAN 2025	CHOYT					01/30/2025
101-43100-50230	51-5420841-2 ST LGT; JAN 2025		31.94			
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XCEL ENERGY	02/04/2025	02/11/2025	114.57	114.57	Open	N
51-0013433058-1; BROCKTON SIGNAL; JAN 2025	CHOYT					01/30/2025
101-43100-50230	51-0013433058-1; BROCKTON SIGNAL; JAN		114.57			
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XCEL ENERGY	02/05/2025	02/11/2025	90.88	90.88	Open	N
51-0013433327-7;18396 DAYTON/SIGNAL-JAN 2	CHOYT					02/03/2025
101-43100-50230	51-0013433327-7;18396 DAYTON/SIGNAL-JAN		90.88			
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XCEL ENERGY	02/05/2025	02/11/2025	27.50	27.50	Open	N
51-0013433412-1; HWY 94 LGT; JAN 2025	CHOYT					01/31/2025
101-43100-50230	51-0013433412-1; HWY 94 LGT; JAN 2025		27.50			
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XCEL ENERGY	02/05/2025	02/11/2025	180.28	180.28	Open	N
51-0013433364-2; 18404 DAYTON ST LGT; JAN 2 CHOYT						01/31/2025
101-43100-50230	51-0013433364-2; 18404 DAYTON ST LGT;		180.28			
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XCEL ENERGY	02/05/2025	02/11/2025	59.94	59.94	Open	N
51-0013433188-8; 18432 UNIT SIGNAL; JAN 2025 CHOYT						01/31/2025
101-43100-50230	51-0013433188-8; 18432 UNIT SIGNAL; JAN		59.94			
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ZIEGLER DAYTON ADDITION	01/28/2025	02/11/2025	1,383.38	1,383.38	Open	N
ESCROW RELEASE-CLOSED PROJ.6196	CHOYT					01/28/2025
411-00000-20200	RELEASE: MR UNAPPLIED PAYMENTS		1,383.38			
<hr/>						
# of Invoices:	79 # Due: 75	Totals:	683,943.05	683,849.05		
# of Credit Memos:	0 # Due: 0	Totals:	0.00	0.00		
Net of Invoices and Credit Memos:			683,943.05	683,849.05		
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* 2 Net Invoices have Credits Totalling:			(4,852.21)			
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--- TOTALS BY FUND ---						

101 - GENERAL FUND	62,592.51	62,538.51
225 - EDA	219.60	199.60
226 - CABLE	3,075.00	3,075.00
379 - 2023A CRG TIF BOND	20,162.12	20,162.12
401 - CAPITAL EQUIPMENT	16,878.63	16,878.63
408 - PARK TRAIL DEVELOPMENT	5,753.40	5,753.40
410 - CAPITAL FACILITIES	66,559.00	66,539.00
411 - DEVELOPER ESCROWS	48,604.88	48,604.88
414 - PAVEMENT MANAGEMENT AND IMPROVEMENTS	26,803.84	26,803.84
415 - STORMWATER	8,896.80	8,896.80
601 - WATER FUND	337,945.80	337,945.80
602 - SEWER FUND	86,451.47	86,451.47

--- TOTALS BY DEPT/ACTIVITY ---

00000 -	253,197.18	253,197.18
40300 - Licenses / Permits	499.00	499.00
40700 - Misc Revenue	4.00	0.00
41310 - Administration	39.35	39.35
41420 - City Clerk	39.35	39.35
41500 - Finance	319.71	269.71
41630 - Engineering Services	10,000.20	10,000.20
41640 - Legal Services	2,000.00	2,000.00
41650 - Recycling Services	19,196.17	19,196.17
41660 - Inspection Service	4,005.99	4,005.99
41710 - Plannning & Economic Dev	631.69	611.69
41810 - Central Services	1,013.65	1,013.65
41820 - Information Technology	305.00	305.00
41900 - General Govt	67,334.64	67,314.64
41910 - Activity Center	165.80	165.80
42120 - Patrol and Investigate	20,342.97	20,342.97
42130 - Emergency Mgmt	42.92	42.92
42260 - Fire Suppression	41,524.12	41,524.12
43100 - Public Works	64,587.20	64,587.20
45200 - Parks	128.18	128.18
45300 - Trail Development	5,753.40	5,753.40
47000 - Debt Service (GENERAL)	20,162.12	20,162.12
49400 - Utilities	172,650.41	172,650.41

PRESENTER:

Jason Quisberg

ITEM:

Wellhouse #5 - Pay Request No. 6

PREPARED BY:

Jason Quisberg, Engineering

POLICY DECISION / ACTION TO BE CONSIDERED:

Approve Pay Request No. 6 for the Wellhouse #5 project

BACKGROUND:

See attached engineer's memo for background and recommendations.

RECOMMENDATION:

See attached engineer's memo for recommendations.

ATTACHMENT(S):

Engineer's memo
Pay Request No. 6

To: Martin Farrell, Public Works Director From: Ash Hammerbeck, PE
Jason Quisberg, PE
Project/File: 227704873 Date: February 4, 2025
Subject: Dayton Wellhouse No.5 - Pay Application #6

Council Action Requested

Staff is recommending Council to approve Pay Application #6 for the Dayton Wellhouse No.5 to Ebert Companies in the amount of \$54,191.99.

Summary

Ebert Companies continued work on the project, including installation of doors, hardware and frames, louvers, gypsum wallboard, signage, plumbing, electrical general and controls, and obtaining the necessary utilities and materials. This pay request is for the work performed through 1/31/2025.

The signed payment request form and pay application is attached for review.

Total Contract Value to Date	\$ 1,083,588.63
Work Completed to Date	\$ 721,484.30
5% Retainage	\$ 36,074.27
Amount Paid to Date	\$ 631,218.04
Total Pay App #6	\$ 54,191.99

Engineer's Recommendation

We have reviewed the request and recommend approving Pay Application #6 to Ebert Companies in the amount of \$54,191.99 for the work completed and materials stored to date.

AIA® Document G702™ – 1992

Application and Certificate for Payment

TO OWNER: City of Dayton 12260 S Diamond Lake Road Dayton, MN 55327	PROJECT: City of Dayton Wellhouse #5 14503 Kingsview Lane N Dayton, MN 55327	APPLICATION NO: 6 PERIOD TO: 1/31/2025 CONTRACT FOR: CONTRACT DATE: PROJECT NOS: 66099 / /	Distribution to: OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> FIELD <input type="checkbox"/> OTHER <input type="checkbox"/>
FROM CONTRACTOR: Ebert Companies 23350 County Road 10 Corcoran, MN 55357	VIA ARCHITECT: Stantec Consulting Services 2335 W Highway 36 St. Paul, MN 55113		

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. AIA Document G703™, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	\$ 1,127,735.28
2. NET CHANGE BY CHANGE ORDERS	\$ -44,146.65
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 1,083,588.63
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 721,484.30
5. RETAINAGE:	
a. 5.00 % of Completed Work (Column D + E on G703)	\$ 36,074.27
b. % of Stored Material (Column F on G703)	\$
Total Retainage (Lines 5a + 5b, or Total in Column I of G703)	\$ 36,074.27
6. TOTAL EARNED LESS RETAINAGE	\$ 685,410.03
(Line 4 minus Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 631,218.04
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$ 54,191.99
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 minus Line 6)	\$ 398,178.60

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$	2,984.35	\$ -47,131.00
Total approved this month	\$		\$
TOTAL	\$	2,984.35	\$ -47,131.00
NET CHANGES by Change Order	\$		-44,146.65

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Ebert Companies

By: 

Date: 2/4/2025

State of Minnesota

County of Hennepin

Subscribed and sworn to before me this 4th

day of Feb. 2025

Notary Public:

My commission expires: 1-31-2027



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: Stantec Consulting Services

By: 

Date: 2/4/2025

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Continuation Sheet

AIA Document G702™–1992, Application and Certificate for Payment, or G732™–2009, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
In tabulations below, amounts are in US dollars.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6
APPLICATION DATE: 1/31/2025
PERIOD TO: 1/31/2025
ARCHITECT'S PROJECT NO: 66099

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C – G)	RETAINAGE (If variable rate)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
01	Bonds	10,000.00	10,000.00			10,000.00	100.00		500.00
02	Mobilization	20,000.00	20,000.00			20,000.00	100.00		1,000.00
03	General Conditions M	24,500.00	24,500.00			24,500.00	100.00		1,225.01
04	General Conditions L	54,500.00	54,500.00			54,500.00	100.00		2,725.01
05	Closeouts	2,000.28						2,000.28	
06	Final Cleaning	2,000.00						2,000.00	
07	Cast-In-Place Concrete	57,200.00	57,200.00			57,200.00	100.00		2,860.00
08	Precast Plank	14,200.00	14,200.00			14,200.00	100.00		710.00
09	Unit Masonry	84,600.00	84,600.00			84,600.00	100.00		4,230.00
10	Rough Carpentry M	6,800.00	6,800.00			6,800.00	100.00		340.00
11	Rough Carpentry L	17,400.00	17,400.00			17,400.00	100.00		870.00
12	Roof Trusses M	1,800.00	1,800.00			1,800.00	100.00		90.00
13	Bituminous Damproofing	3,750.00	3,750.00			3,750.00	100.00		187.50
14	Insulation	1,900.00	1,900.00			1,900.00	100.00		95.00
15	Sheet Metal Roofing	16,000.00	16,000.00			16,000.00	100.00		800.00
16	Soffits & Flashings	2,000.00	2,000.00			2,000.00	100.00		100.00
17	Joint Sealants	2,800.00						2,800.00	
18	Doors, Hardware, & Frames M	15,850.00	3,170.00	12,680.00		15,850.00	100.00		792.50
19	Doors, Hardware, & Frames L	1,950.00	390.00	1,365.00		1,755.00	90.00	195.00	87.75
20	Translucent Skylight System	6,050.00						6,050.00	
21	Louvers M	1,700.00	1,700.00			1,700.00	100.00		85.00
22	Louvers L	800.00		800.00		800.00	100.00		40.00
23	Gypsum Wallboard	2,800.00	2,100.00	420.00		2,520.00	90.00	280.00	126.00
24	Concrete Floor Sealer	1,400.00	1,400.00			1,400.00	100.00		70.00
25	Painting	6,800.00						6,800.00	
	GRAND TOTAL								

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

Continuation Sheet

AIA Document G702™–1992, Application and Certificate for Payment, or G732™–2009, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
In tabulations below, amounts are in US dollars.
Use Column F on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6
APPLICATION DATE: 1/31/2025
PERIOD TO: 1/31/2025
ARCHITECT'S PROJECT NO: 66099

Use Column F on Contracts where Variable Retainage is indicated by "V"									
A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C – G)	RETAINAGE (If variable rate)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
26	Signage	1,950.00		487.50		487.50	25.00	1,462.50	24.38
27	Plumbing	13,500.00	6,750.00	3,375.00		10,125.00	75.00	3,375.00	506.25
28	Mechanical	34,250.00	6,850.00			6,850.00	20.00	27,400.00	342.50
29	Electrical Permit	260.00	260.00			260.00	100.00		13.00
30	Electrical General Labor	34,744.00	20,846.40	5,211.60		26,058.00	75.00	8,686.00	1,302.90
31	Electrical General Material	25,977.00	20,781.60	1,298.85		22,080.45	85.00	3,896.55	1,104.03
32	Equipment Controls & Integ.	209,375.00	52,343.75	31,406.25		83,750.00	40.00	125,625.00	4,187.50
33	Electrical Generator	170,450.00						170,450.00	
34	Lighting	2,544.00						2,544.00	
35	Earthwork	52,095.00	52,095.00			52,095.00	100.00		2,604.76
36	Flexible Paving	12,200.00						12,200.00	
37	Irrigation Systems	6,450.00						6,450.00	
38	Turfs & Grasses	5,050.00						5,050.00	
39	Deciduous Trees 2.5"	3,738.00						3,738.00	
40	Shrub #5 GAL CONT	1,566.00						1,566.00	
41	Perennial Grass #1 GAL CONT	1,234.00						1,234.00	
42	Rock Mulch	875.00						875.00	
43	Metal Landscape Edger	2,158.00						2,158.00	
44	Utilities	28,269.00	28,269.00			28,269.00	100.00		1,413.45
45	Process Piping	38,250.00	38,250.00			38,250.00	100.00		1,912.51
46	Vertical Line Shaft Pump	124,000.00	111,600.00			111,600.00	90.00	12,400.00	5,580.00
47	Change Order 1	-47,131.00						-47,131.00	
48	Change Order 2	2,984.35	2,984.35			2,984.35	100.00		149.22
	GRAND TOTAL	1,083,588.63	664,440.10	57,044.20		721,484.30	66.58	362,104.33	36,074.27

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

PRESENTER:

Jason Quisberg

ITEM:

Dayton HMGP Generators Project - Pay Request No. 4

PREPARED BY:

Jason Quisberg, Engineering

POLICY DECISION / ACTION TO BE CONSIDERED:

Approve Pay Request No. 4 for the Dayton HMGP Generators project

BACKGROUND:

Laketown Electric is the contractor installing generators at City Hall/Fire Station #2 and the Activity Center/Fire Station #1. A request for partial payment was received from the contractor. This payment is primarily for site improvements necessary for installation of the generators.

BUDGET IMPACT:

The work completed is within the previously approved budget for the project.

RECOMMENDATION:

We recommend payment for the work completed since the previous payment in the amount of \$38,000.00.

ATTACHMENT(S):

Engineer's cover letter
Pay Request No. 4 form



Stantec Consulting Services Inc.

733 Marquette Avenue Suite 1000, Minneapolis, Mn 55402

January 28, 2025
File: 227705902

Attention: Mr. Martin Farrell

City of Dayton

12260 South Diamond Lake Road
Dayton, MN 55327

Reference: Dayton HMGP Generators
Stantec Project No. 227705902

Dear Mr. Farrell,

Enclosed is Pay Request No. 4.

for the above mentioned project. This Pay Request represents work completed through January 15, 2025.

We have reviewed the Request for Payment from Traut Companies and recommend payment for \$38,000.00.

Please have the appropriate people sign where indicated and distribute to:

1 copy	City of Dayton
2 copies	Laketown Electric Corporation
1 copy	Stantec, Attn: Chuck Oehrlein

The copy returned to Stantec may be transmitted electronically, if desired. Please call me at (612) 712-2104 if you have any questions or comments.

Regards,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in blue ink that reads "Chuck W. Oehrlein".

Chuck Oehrlein
Principal
Phone: (612) 712-2104
Chuck.oehrlein@stantec.com

Attachment: Pay Request No. 4

Design with community in mind



Owner: City of Dayton, 12260 S. Diamond Lake Rd., Dayton, MN 55327	Date: January 28, 2025
For Period: 1/1/2025 to 1/15/2025	Request No: 4
Contractor: Laketown Electric Corporation, 8470 State Highway 5, Waconia, MN 55387	

CONTRACTOR'S REQUEST FOR PAYMENT
DAYTON HMGP GENERATORS
STANTEC PROJECT NO. 227705902

SUMMARY

1	Original Contract Amount		\$ 192,000.00
2	Change Order - Addition	\$ 0.00	
3	Change Order - Deduction	\$ 0.00	
4	Revised Contract Amount		\$ 192,000.00
5	Value Completed to Date		\$ 110,000.00
6	Material on Hand		\$ 0.00
7	Amount Earned		\$ 110,000.00
8	Less Retainage 5%		\$ 5,500.00
9	Subtotal		\$ 104,500.00
10	Less Amount Paid Previously		\$ 66,500.00
11	Liquidated damages -		\$ 0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. 4		\$ 38,000.00

Recommended for Approval by:
STANTEC

Chuck W. Oebelin

Approved by Contractor:
LAKETOWN ELECTRIC CORPORATION

Daniel D. Palmer

Approved by Owner:
CITY OF DAYTON

Specified Contract Completion Date:
6.25..2025

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
BASE BID							
1	CITY HALL/FIRE STATION 2 AND ACTIVITY CENTER/FIRE STATION 1 GENERATORS	LS	1	192000.00	0.208	0.573	\$110,000.00
	TOTAL BASE BID						<u>\$110,000.00</u>
	TOTAL BASE BID						<u>\$110,000.00</u>
	WORK COMPLETED TO DATE:						<u>\$110,000.00</u>

PROJECT PAYMENT STATUS

OWNER CITY OF DAYTON

STANTEC PROJECT NO. 227705902

CONTRACTOR LAKETOWN ELECTRIC CORPORATION

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	05/01/2024	06/04/2024	4,750.00	250.00	5,000.00
2	06/05/2024	11/27/2024	14,250.00	1,000.00	20,000.00
3	11/28/2024	12/30/2024	47,500.00	3,500.00	70,000.00
4	01/01/2025	01/15/2025	38,000.00	5,500.00	110,000.00

Material on Hand

Total Payment to Date		\$104,500.00	Original Contract	\$192,000.00
Retainage Pay No. 4		5,500.00	Change Orders	
Total Amount Earned		\$110,000.00	Revised Contract	\$192,000.00

PRESENTER: Martin Farrell

ITEM: Anoka Hennepin Schools District Safe Routes to School (SRTS) Resolution 10-2025

PREPARED BY: Martin Farrell

POLICY DECISION / ACTION TO BE CONSIDERED: Approve the resolution for Anoka Hennepin Schools District SRTS grant funding application.

BACKGROUND: Staff have been working with Anoka Hennepin Schools District to identify improvements to the current SRTS program

CRITICAL ISSUES: To improve Safety and expand transportation choices for Dayton Elementary Students.

BUDGET IMPACT: None grant application.

RECOMMENDATION: Approve SRTS Resolution.

ATTACHMENT(S): Resolution 10-2025

**CITY OF DAYTON
RESOLUTION NO. 10 - 2025**

**RESOLUTION IN SUPPORT OF ANOKA-HENNEPIN SCHOOL DISTRICT’S APPLICATION
TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION’S SAFE ROUTES TO SCHOOL
GRANT PROGRAM TO SUPPORT THE DAYTON ELEMENTARY PEDESTRIAN
IMPROVEMENT PROJECT**

WHEREAS, the Safe Routes to School (SRTS) Infrastructure Grant Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects that will improve safety, reduce traffic, and improve air quality around schools; and

Whereas, the Statewide SRTS solicitation makes \$8.5 Million in state dollar available for SRTS infrastructure projects in 2025 and 2026; and

Whereas, in 2024 the Anoka Hennepin School District completed a SRTS plan for Dayton Elementary that identified key bike and pedestrian infrastructure projects that will expand transportation choice and safety for Dayton Elementary’s students;

Whereas, the proposed project will enter construction during the 2025/6 calendar year and will have a useful life of over 10 years;

Whereas, South Diamond Lake Road is a heavily-used and high-speed roadway that presents a significant safety risk to students walking and biking to Dayton Elementary school; and

Whereas, the proposed project will include pedestrian crossing improvements and traffic calming measures that expand safe multimodal access to school and provide families in Dayton with greater transportation choice; and

Whereas, the Safe Routes to School Grant Program requires school district applicants to have the sponsorship of a state-aid agencies to act as the applicant’s fiscal agent in the event of a grant award;

Whereas, the City Council understands that project improvements are expected to make impacts to City right of way;

NOW THEREFORE BE IT RESOLVED by the City Council of Dayton that: the City is hereby committed to acting as Anoka-Hennepin School District’s financial sponsor in the event of a SRTS grant award;

Adopted by the City Council of the City of Dayton on this 11th Day of February 2025.

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

ITEM:

Municipal State Aid Advance Request

Dayton Parkway Traffic Signals & South Diamond Lake Road Improvements Funding

PREPARED BY:

Jason Quisberg, Engineering

POLICY DECISION / ACTION TO BE CONSIDERED:

Approve Resolution 09-2025 Approving Municipal State Aid Street Funds Advance

BACKGROUND:

Two street improvement projects are currently under consideration:

1. Dayton Parkway Traffic Signals
2. South Diamond Lake Road Improvements

Both of the proposed project areas are on routes designated as part of the City's Municipal State Aid System. And therefore, are eligible for the used of State Aid dollars for project funding.

After the 2025 allotment, Dayton's current State Aid balance is \$572,822. The use of this balance, together with advancement of future allotments, is being considered for these project. Note this is the same process that was utilized for the Pineview Lane Improvements project in 2020 – advance funds are “borrowed” for a project, then “paid back” over future allotments until the balance is again positive.

Dayton Parkway Signals

This project involves signaling the Dayton Parkway intersections at Territorial Road/Holly Lane and the to-be-named intersection serving the southwest “triangle” bound by I-94, Rogers and Maple Grove. The current cost estimate for the project is \$1.5M.

Funding is expected to come from a combination of active developments, incoming business (Kwik Trip), existing businesses, and local funds. It is proposed that a State Aid advance be requested to allow \$1M in State Aid funds for use in place of any local funds that may be needed.

South Diamond Lake Road Improvements

This project involves the resurfacing the entire length of South Diamond Lake Road through Dayton. The current cost estimate for the project is \$1.4-1.5M. It is proposed that a State Aid advance be requested to allow \$1.5M in State Aid funds for use towards this project.

To accommodate the use of \$2.5M in State Aid funding for these projects, an advance of \$1,927,178 is required (\$2.5M less the current balance). The attached Council resolution is to formalize the City's request for this advancement.

The City's projected State Aid account balanced, based on the advance request as outlined and the most recent allotment amount (this changes each year), could look like this (numbers rounded):

- Current = \$573,000 (pre-project balance)
- 2025 = -\$1,927,000 (post-project balance) (advance amount)
- 2026 = -\$1,342,000
- 2027 = -\$757,000
- 2028 = -\$172,000
- 2029 = +\$413,000
- Assuming a continued increase in allotment, this could get paid down sooner

A preliminary (unofficial) advancement requests, state-wide, were submitted late 2024. Indications are that all advance requests should be able to be accommodated. However, that is not a guarantee the full, or any, advancement will be authorized. The Council approval and submittal of this resolution is the formal action leading to an official determination on the request.

RECOMMENDATION:

Approve Resolution 09-2025 Approving Municipal State Aid Street Funds Advance

.

ATTACHMENT(S):

Resolution 09-2025 Approving Municipal State Aid Street Funds Advance

Resolution 09-2025
A Resolution Approving Municipal State Aid Street Funds Advance

WHEREAS, the Municipality of Dayton is planning to implement Municipal State Aid Street Project(s) in 2025 which will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said project(s) through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date <u>1/31/2025</u>	<u>\$ 572,822.00</u>
Less estimated disbursements:	
Project # <u>SAP-229-113-001</u>	<u>\$ 1,500,000</u>
Project # <u>SAP-229-112-005</u>	<u>\$ 1,000,000</u>
Bond Principle (if any)	<u>\$</u>
Project Finals (overruns-if any)	<u>\$</u>
Other _____	<u>\$</u>
Total Estimated Disbursements	<u>\$ 2,500,000</u>
Advance Amount (amount in excess of acct balance)	<u>\$ 1,927,178</u>

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the Municipality of Dayton in an amount up to \$1,927,178.00. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.

I HEREBY CERTIFY that the above is a true and correct copy of a resolution presented to and adopted by the Municipality of Dayton, County of Hennepin, State of Minnesota, at a duly authorized Municipal Council Meeting held in the Municipality of Dayton, Minnesota on the ____ day of _____, 20__, as disclosed by the records of said Municipality on file and of record in the office.

Motion by _____, second by _____
Motion passes _____.

Mayor

Attest:
City of Dayton

City Clerk

ITEM:

Discussion on Tax Forfeit Properties

APPLICANT:

N/A

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Motion to hold Closed joint Work Session with EDA on February 25, 2025 to discuss purchase of property.

BACKGROUND:

During the EDA's January 21st meeting, the EDA requested to hold a joint Work Session with the City Council to discuss the purchase of tax forfeiture properties for private development. This would require an inter-agency loan from the City Council to the EDA.

A majority of the previous City Council was not supportive. Thus, Staff is requesting if this Council would like to discuss further. If yes, a closed Work Session will be scheduled for February 25th.

CRITICAL ISSUES:

Financing.

RELATIONSHIP TO COUNCIL GOALS:

Planning Ahead to Manage Thoughtful Development
Create a Sought After Community

BUDGET IMPACT:

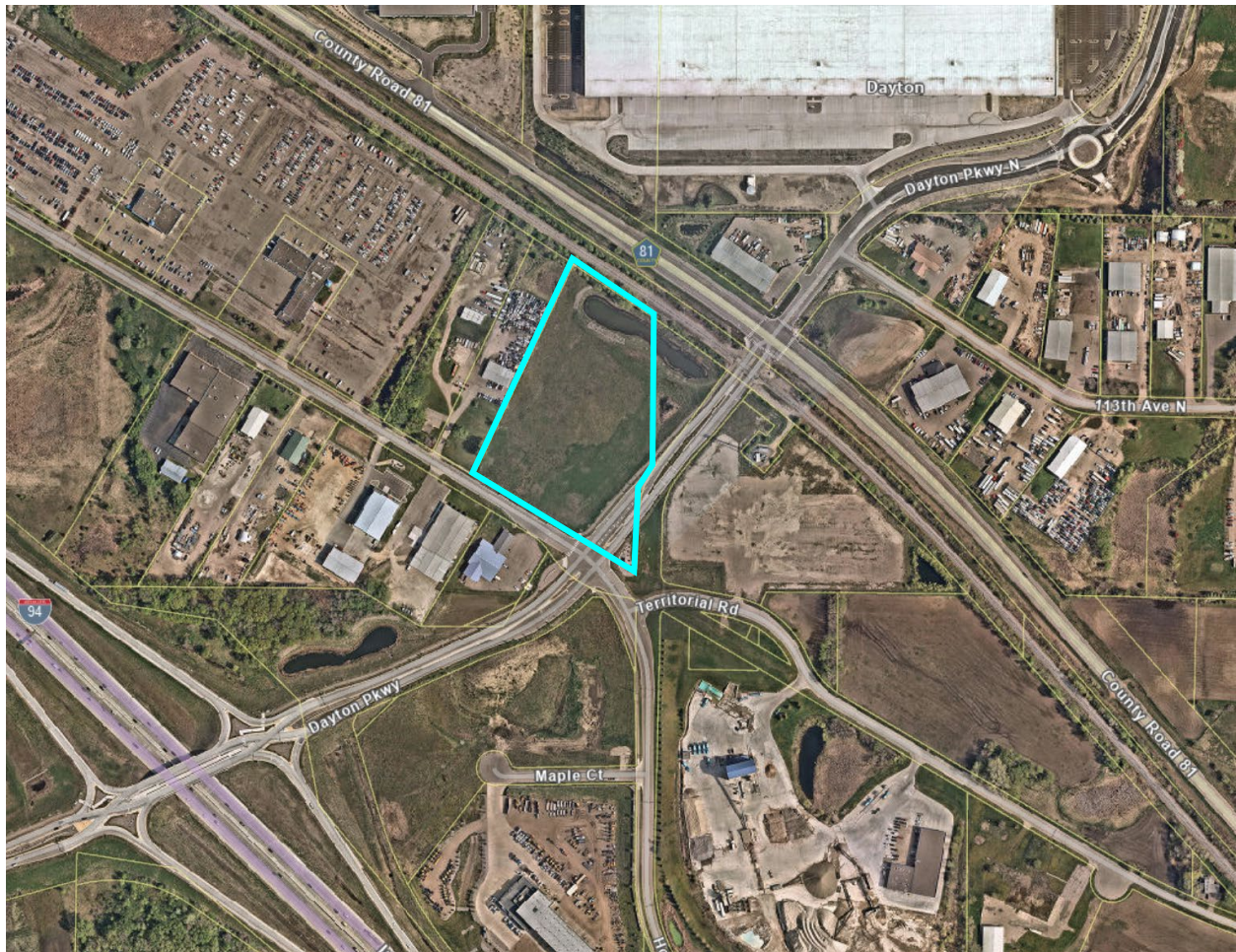
TBD

RECOMMENDATION:

Staff requests direction.

ATTACHMENT(S):

Aerial photos



180XX Territorial Road



183XX Robinson Street

PRESENTER:

Jason Quisberg

ITEM:

North Diamond Lake Road Trail Crossing-Extension

PREPARED BY:

Jason Quisberg, Engineering

POLICY DECISION / ACTION TO BE CONSIDERED:

Authorize Preparation of Plans and Specifications for the North Diamond Lake Road Trail Crossing-Extension project

BACKGROUND:

Dayton Parks Commission previously identified (three) priority trail segments for consideration. The top priority segment was an extension connecting Cloquet Overlook Park and 142nd Avenue at River Road, effectively connecting Elsie Stevens and northeast Dayton (via on- and off-street trail connections). This project was considered for 2025 until it was determined the project could be better accomplished as part of a programmed 2029 County road improvement project along the same stretch of roadway.

The second priority segment identified a connection between Berkshire Lane and Vinewood Lane, which includes a crossing of North Diamond Lake Road. This connection effectively allows continuous travel between Elsie Stevens Park and Elm Creek Park. Given the delay to the project along River Road, this segment became the top priority.

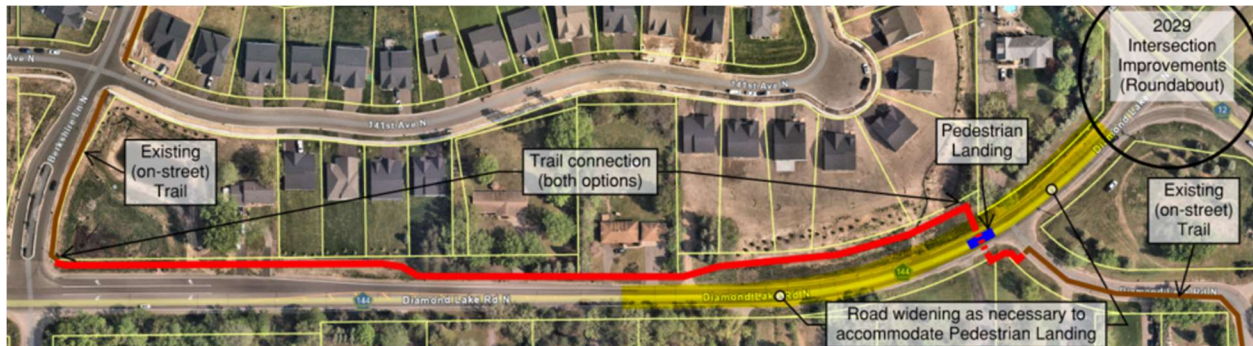
The Parks Commission was presented with information relating to a potential project involving this crossing, and extension, at their January meeting. At that meeting, It was requested that the project be proposed to City Council for consideration in 2025. Attached is a proposal for the engineering that would be associated with said project should the City move forward with it.

Project Information

Hennepin County, as jurisdiction of North Diamond Lake Road (CR-144), has indicated support for a pedestrian crossing, given it is located immediately west of the Vinewood Lane intersection, and it includes a raised pedestrian refuge between the drive lanes; much like that on CR-121 at Jonquil Lane:



Accommodating the refuge (median) requires widening of North Diamond Lake Road. The trail extension is anticipated to extend along the north side of North Diamond Lake Road, connecting into the existing trail at Berkshire Lane:



See the attached proposal for more information relating to the project. As short presentation will also be given at the Council meeting, with an opportunity for questions and discussion about other project considerations.

BUDGET IMPACT:

See attached proposal

RECOMMENDATION:

Should Council choose to proceed with the project, approve the proposal for engineering services; this would initiate the preparation of plans and specifications for construction of the improvements.

ATTACHMENT(S):

Engineering proposal



Stantec Consulting Services Inc.
One Carlson Parkway North, Suite 100
Plymouth MN 55447-4440

February 3rd, 2025

Dayton City Council
12260 S Diamond Lake Rd
Dayton, MN 55327

Dear Dayton City Council,

Stantec has prepared a project scope, schedule, and budget for a trail and crossing from Vinewood Lane North to Berkshire Lane North along North Diamond Lake Road.

BACKGROUND AND IMPROVEMENTS

Per the Comprehensive Plan, a multi-use trail has been identified for eventual construction along North Diamond Lake Road on the north side. Recently, the Parks Commission has identified this as a priority trail segment connecting Lone Gardens and Pineview Meadows. The segment is anticipated to be constructed in the Hennepin County right of way and City right of way with a potential for a segment to run through a private property easement. The preliminary project estimate is \$997,000. This is a very high-level calculated cost that will need to be verified through a more detailed design and eventually public bidding if the project were to move forward.

The project will explore the potential of running the trail connection from Vinewood Lane N, crossing North Diamond Lake Rd and aligning the trail either along the north side of North Diamond Lake Road to Berkshire Lane North, or acquiring an easement to connect to the sidewalk at 141st Ave North. Hennepin County will require the crossing of North Diamond Lake Road to include a pedestrian refuge/landing which will require the road to be widened to accommodate.

SCOPE OF WORK

The scope for this project is broken down into three tasks.

TASK 1 – DATA COLLECTION, DESIGN/PLANS & SPECIFICATIONS -\$61,500

Task 1 includes services related to the preparations of bidding documents for this project. This includes the collection of existing site data, design, and the production of construction plans and technical specifications. Outside agencies and permitting (e.g. wetland) will also be coordinated as required for the work.

Wetland Review

Stantec will perform a review of the project for wetlands. Depending on the results of the review, Stantec will either perform a wetland delineation as outlined below, or if no wetlands are present, Stantec will prepare a no-wetland memo.

Wetland Delineation

If wetlands are present, Stantec will perform a wetland delineation of the project area. A field investigation will be conducted to delineate all wetland boundaries within the project area. The delineation shall include an investigation of hydrology, soils, and vegetation to determine wetland boundaries and types. Corps data

Reference: North Diamond Lake Road Trail Crossing and Connection

forms (Midwest Region) shall be completed for all upland and wetland data collection points. GPS data collection equipment will be used to record all wetland boundaries and data collection points (upland and wetland transects). Photographs of wetlands will be collected for inclusion in the wetland report. Field work will be conducted under growing season conditions.

Following the completion of field work, a wetland delineation report will be prepared. The report will include all required components as identified by the Corps/BWSR Guidance for Submittal of Delineation Reports. Components include all data forms, antecedent precipitation analysis, wetland area and type data, photographs, offsite data figures, wetland narrative, and wetland delineation figure.

Stantec will prepare the Joint Application Form, completing Parts 1-5, and Attachment A. The form will accompany the delineation report in a submittal to the Wetland Conservation Act LGU and U.S. Army Corps of Engineers for regulatory review and approval. Stantec anticipates one site visit will be conducted with regulatory staff to review the delineation.

No-Loss Application

If wetlands are present in the project area, it is assumed that impacts can be avoided through layout alterations. Stantec will prepare a no-loss application to obtain regulatory concurrence that no wetlands will be impacted as a result of the project. Stantec will prepare the Joint Application Form, completing Parts 1-5, and Attachment B, and provide supporting documentation. It is anticipated that a No-Loss Notice of Decision will be issued by the WCA LGU. If wetlands cannot be avoided, a replacement plan will be required, however, costs for the replacement plan are not included in this scope.

Deliverables will include construction plans, specifications, refined opinion of probable construction cost, and wetland delineation and no-loss application or no-wetland memo.

Upon completion of work included in Task 1, Council will have the opportunity to direct if the project should continue to the bidding stage.

TASK 2 – BIDDING - \$3,500

This task involves the coordination of soliciting contractor bids for the construction of the improvement project. This includes advertisement of the project, completion of the bid opening process, and preparation of a tabulation of the received bids along with a recommendation for award.

Deliverables will include a contractor bid tabulation and award recommendation.

At the completion of bidding, should bids be found favorable, Council can award a contract and proceed with construction of the project. If bids are not found favorable or if other circumstances arise detrimental to the City, Council can reject the bid to avoid any further cost obligations to the project.

TASK 3 – CONSTRUCTION SERVICES -\$41,000

If the project continues to construction, construction services can be provided to coordinate the project through this stage. Construction activities typically involved in construction projects such as this include:

- Coordinating and leading a preconstruction meeting and routine construction progress meetings

Reference: North Diamond Lake Road Trail Crossing and Connection

- Construction survey staking
- Construction observation to verify compliance with city standards and technical specifications
- Quantity tracking and preparation of contractor pay requests
- Evaluation of contractor change order requests, and processing of these requests as appropriate
- Communications with project stakeholders, impacted property owners, and City staff as needed
- Documentation of material testing, plan deviations, events within the project area, etc.
- Project closeout and preparation of record plan drawings

COMPENSATION

The following is our anticipated budget by task. All tasks will be billed on a time and materials basis not to exceed the total fee listed without prior authorization from the City. Invoices will reflect the actual effort it takes to complete the scope of work proposed. The following are not included within the fee and are the City's responsibility: administrative review, application/permit fees, review fees, and reproduction fees.

No.	Task Name	Estimated Fee
1	Data Collection, Design/Plans & Specifications	\$61,500
2	Bidding	\$3,500
3	Construction Services	\$41,000
	Estimated Total	\$106,000

ASSUMPTIONS

Note the following assumptions were made in preparation of this proposal. If any of these assumptions are found inaccurate, the level of effort required to complete the tasks as outlined may change, potentially with great significance:

1. It is initially believed that there is enough right-of-way along the North Diamond Lake Road corridor at the project location that no additional land will need to be purchased as part of this project.
2. It is assumed no wetland mitigation will be required for this project.
3. No trail lighting is anticipated to be required as part of this project.
4. Geotechnical services are not included with this scope.
5. For the RRFB, it is assumed an electrical service utility is at or near the crossing. Meter and disconnect will be similar to the Pineview Lane RRFB crossing.

SCHEDULE

It is expected plans and specifications will be ready for Council approval in Spring 2025. If Council chooses to continue with the project at that time, bids could be solicited and opened late Spring/early Summer 2025. Then reviewed by Council, and if appropriate, awarded with construction being completed in the 2025 construction season, as weather allows.

Reference: North Diamond Lake Road Trail Crossing and Connection

TERMS AND CONDITIONS

The scope of services will be performed in accordance with the Master Services agreement between Stantec and the City of Dayton. Please indicate your acceptance of this scope of work by signing the bottom of the next page.

We appreciate the opportunity to continue to work with the City of Dayton and to contribute to the success of ongoing roadway infrastructure projects. Please do not hesitate to contact us with any questions.

Regards,

STANTEC CONSULTING SERVICES INC.



Jason Quisberg PE
Senior Associate, Senior Civil Engineer
Phone: 763-252-6873
Mobile: 952-334-0542
jason.quisberg@stantec.com



Mark Schroeder PE
Associate, Senior Civil Engineer
Direct: 651-395-5216
Mobile: 952-334-2838
mark.schroeder@stantec.com

stantec.com

Reference: North Diamond Lake Road Trail Crossing and Connection

By signing this proposal, the City of Dayton authorizes Stantec to proceed with the services herein described.

This proposal is accepted and agreed on the _____ of _____, _____.
Day Month Year

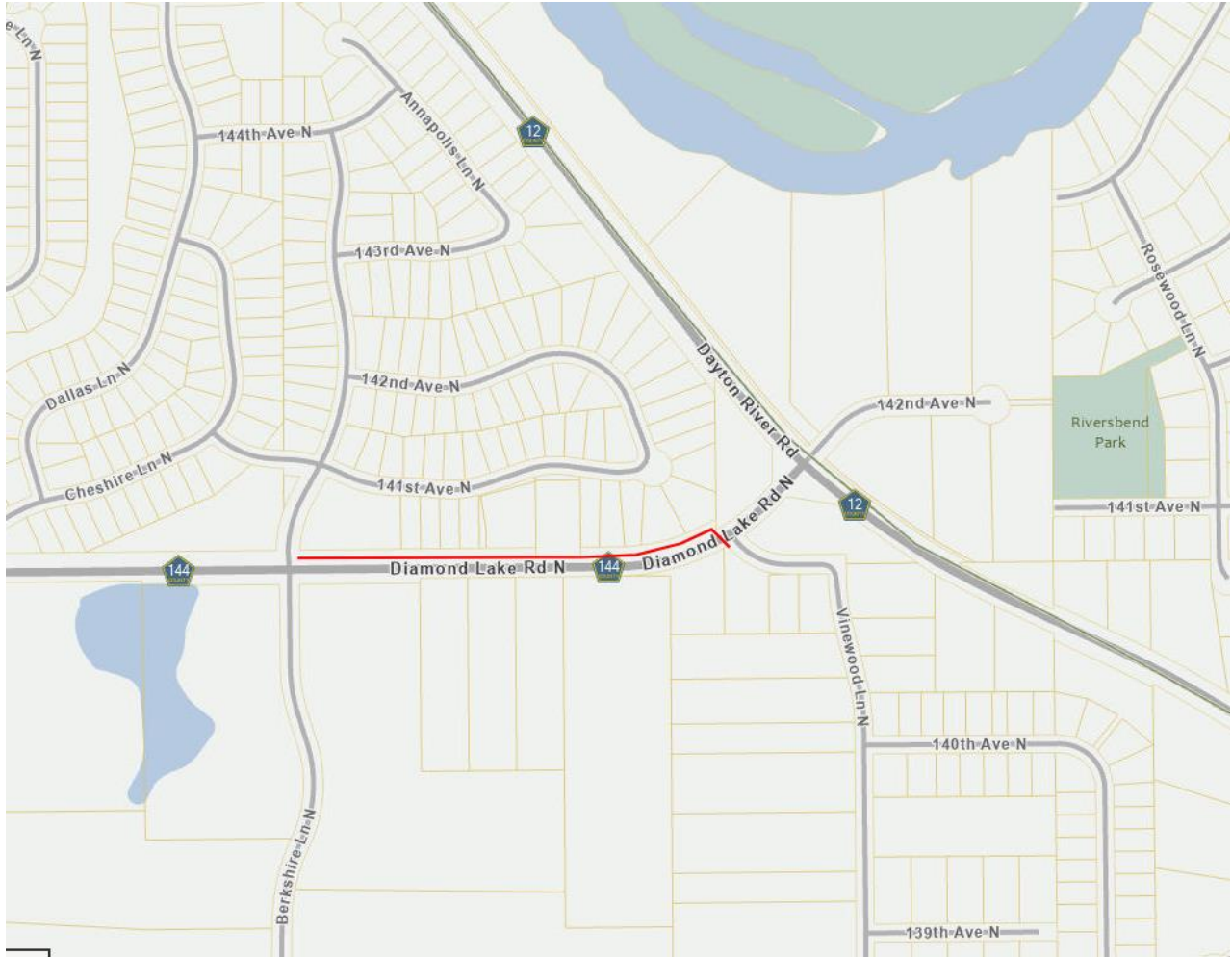
Per: _____
City of Dayton
Client Company Name

Print Name & Title

Signature

Reference: North Diamond Lake Road Trail Crossing and Connection

Attachment A: Project Location



ITEM:

Consideration of Resolution 11-2025, Approving an Interim Use Permit (IUP) for Home Extended Business Including Outdoor Storage Located at 15430 Brockton Lane North

APPLICANT:

John Herbes, and Justine and Mitch Frye (John & Jerry Asphalt & Concrete Services)

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

John Herbes, owner of 15430 Brockton Lane North in Dayton, has submitted an application for an Interim Use Permit for a Home Extended Business at the same address. The request is to accommodate the storage of materials, equipment, and vehicles associated with an asphalt and concrete business, John & Jerry Asphalt & Concrete Services. Equipment and materials identified to be stored at the location include dump trucks, trailers, skid steer, lumber, and aggregate material such as dirt and sand. The request also includes the use of one accessory building for storage and maintenance area for such equipment. The 10.93-acre property is currently zoned A-1, Agricultural, with a land use guidance of Low-Density Residential. Along with the Land Use Application, the applicant has also completed the required Home Occupation Questionnaire that is attached to this report for reference. John & Jerry Asphalt and Concrete Services utilizes this location, as well as one residential property in Maple Grove located at 8920 Weston Lane North.

CRITICAL ISSUES:

1. **Number of vehicles (dump trucks) stored on site** – The applicant included in his Home Occupation Questionnaire interest in allowing for at least two large dump trucks and a smaller dump truck to be stored on-site related to the IUP, with the expectation that number could increase as the business continues to grow. Standards in the Zoning Ordinance for Home Extended Businesses allow for one vehicle associated with the business to be parked on site at any given time not greater than a 12,000 gross vehicle weight (GVW). The section also allows for one such vehicle to be no greater than a GVW of 18,000 lbs. if it is stored entirely indoors. The average GVW of a dump truck is 26,000 lbs. The Home Occupation section does allow for the City Council to flex certain standards for home extended businesses. The Planning Commission reviewed this information with that home occupation provision in mind, and provided a condition of approval that what the applicant has currently on site (2 large dump trucks and 1 smaller), is the maximum amount of vehicles related to the business that can be stored on site.
2. **Noise caused by dumping and loading of dump trucks** – One piece that may cause noise out of the ordinary to a residential area is the loading and dumping of material on site from the dump trucks. The Planning Commission discussed this at length, and came to the conclusion that though the noises are not out of the ordinary to the proposed use, they could raise concerns from surrounding neighbors if noises continued outside of standard operating hours. As such, the Planning Commission added a condition of approval that limits operations on site to 7:00 a.m. to 8:00 p.m. Monday through Saturday. This provision is stricter than the standard code language of 7:00 a.m. to 10:00 p.m., 7 days a week. It is anticipated the majority of noise from

this action would occur both at the beginning of the day, and the end, where trucks would be loaded and driven to the job site. When the work day is done, the trucks would then be returned to the site.

ANALYSIS:

All Home Occupations shall meet the following standards:

- (1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

Staff Comment: The property is 10.93 acres in total with a single-family home and two outbuildings on site. Only one of the outbuildings will be used with this Home Extended Business. The site would be used as equipment storage for the business, with the easterly accessory building being used as a shop for equipment service and storage as space allows.

- (2) The applicant shall reside in the home associated with the Home Occupation.

Staff Comment: The applicants state they reside at the home on the property, and the property is currently homesteaded.

- (3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

Staff Comment: Alterations to the house have not occurred and are not necessary for the requested use. Alterations to the site have occurred but are limited to grading to allow for the ability to maneuver vehicles around the accessory building that would be utilized.

- (4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

Staff Comment: Not applicable as this request does not involve the use of home on site.

- (5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

Staff Comment: Not Applicable as the Home Extended Business section of the Zoning Code allows for Outdoor Storage, which is visible from outside of the dwelling.

- (6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

Staff Comment: The Planning Commission recommended no idling of equipment or use of the equipment shall occur between 8:00 p.m. and 7:00 a.m. Monday through Saturday, and at no time on Sundays, and is a conditional of approval.

- (7) All parking associated with the Home Occupation shall occur on-site on the driveway.

Staff Comment: With the exception of the outdoor storage area, parking for employee vehicles will take place on the driveway.

- (8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

Staff Comment: It is not anticipated that the Home Extended Business will have any impact on the property's septic system.

- (9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

Staff Comment: The Planning Commission reviewed and considered this provision, and recommended that because the applicant may have up to 3 employees visiting the site for work purposes, no more than 12 trips per day would be allowed. No customers are anticipated to visit the property.

- (10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

Staff Comment: The dumping and loading of material can create noise, and Staff and the Planning Commission acknowledge that the noise is a common component of this kind of activity. Any activity on site is limited to between 7:00 a.m. and 8:00 p.m. Monday through Saturday.

- (11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

Staff Comment: There is nothing proposed within this Interim Use Permit request that would create an electrical interference to surrounding properties.

- (12) All Home Occupations shall meet all applicable fire and building codes.

Staff Comment: Applicable fire and building codes have been met related to the proposed use.

- (13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in-person customer interaction on site (e.g. telecommuting).

Staff Comment: No customers will attend the site for this Home Extended Business. Because of the large vehicles proposed with the use, the Planning Commission recommended that the operation of this Home Occupation be limited to between the times of 7:00 a.m. and 8:00 p.m., Monday through Saturday, as a condition of approval.

- (14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

Staff Comment: The Planning Commission considered this code standard for Home Extended Businesses and recommended that all operation related to the business on site be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday.

Home Extended Businesses are required to follow the below provisions found in the Zoning Ordinance as well. The last section does note that the City Council has the authority to approve a Home Extended Business in excess of these standards.

(2) *Home Extended Business performance standards (interim use permit required).* Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

- a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.

Staff Comment: Not applicable as the Home Extended Business does not utilize any space within the home.

- b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

Staff Comment: Being that the site is over 2.5 acres (10.93 acres), the property is eligible for outdoor storage associated with the IUP request, but such outdoor storage cannot exceed 20% of the property area. The extent of the entire Home Extended Business, including the home on site, is on a section of the property that is roughly 1.25 acres. The Applicant has provided a site plan outlining the proposed storage area for both equipment and aggregate material for the City Council to review, including a proposed screening fence along the north property line.

- c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.

Staff Comment: The house to the north is setback roughly 75 feet from the south property line at its closest point. Attached to this report is an aerial image that includes a 100-foot buffer from the house. This area, except for the use of the drive aisle, will not be eligible for storage of items related to the IUP. The Planning Commission recommended a condition of approval that limits all storage areas south of the easterly accessory structure on the property that is also associated with the business.

- d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section [1001.35](#), Accessory Buildings and Structures.

Staff Comment: The applicant has requested the use of the easterly accessory structure on site that would be used as a maintenance and storage area. The accessory structure closer to Brockton Lane North will only be used for personal use.

- e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.

Staff Comment: John Herbes is the owner of the business, as well as the owner of the home. He has indicated that there are a maximum of three employees who would be reporting to this site at any given time. It is also noted in his questionnaire that Mitch Frye, another occupant of the home on site, assists with marketing the business. The marketing of the business is not something that falls into the home extended business criteria and would not be considered an additional employee conducting work through the approved IUP. The Planning Commission reviewed this at their January meeting and was okay with 2 full-time and 1 part-time employee reporting to the site as needed, limited to 12 trips per day.

- f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

Staff Comment: As noted above as a critical issue to this request, the applicant has noted that at present they intend to keep a minimum of 2 large, and 1 smaller, dump truck on site for a total of 3. The average gross vehicle weight of a large dump truck is 26,000 lbs., which is larger than the one allowed by this code section for the Home Extended Business. The Planning Commission limited the amount of dump trucks stored on-site to what the applicant has today and recommended that any additional would require an amendment to the Interim Use Permit. Such amendment is reviewed through the same process as the original application.

- g. Direct sale of goods that are not produced on the site is prohibited.

Staff Comment: No direct sales will be conducted on the site.

- h. Dust control measures may be required.

Staff Comment: The Planning Commission did not recommend any condition related to the applicant providing dust control measures for the site.

- i. Any other reasonable conditions required by the City Council.

Staff Comment: The City Council can require additional conditions beyond this code section and the Planning Commission's identified conditions if they feel necessary.

- j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

Staff Comment: This provision offers Home Extended Business applicants to request specific flexibility from the provision of the Zoning Ordinance, provided there is some mitigation proposed for the use, such as the proposed fence for screening from the adjacent property. Through the Planning Commission's review of this item, they provided conditions of approval specific to this request, with this provision in mind.

60/120-DAY RULE:

Request for Interim Use Permit	60-Days	120-Days
	1/25/2025 (Extension Letter Sent)	3/26/2025

RELATIONSHIP TO COUNCIL GOALS:

- Planning Ahead to Manage Thoughtful Development
- Preserving the City's Rural Character

PLANNING COMMISSION RECOMMENDATION

The Planning Commission engaged in a discussion and revised the draft resolution presented to them based on that discussion, as well as information provided by the applicant and resident during the public hearing portion of the item. The conditions of approval are listed in the below section, as well as the draft resolution before the City Council, and the Planning Commission recommended approval 3-2.

STAFF RECOMMENDATION:

Staff and the Planning Commission recommend to the City Council approval of the above request with the following conditions:

1. A 6-foot opaque fence made of wood or vinyl shall be installed on the north property line for improved screening from adjacent residential uses. Such fence shall extend from the westerly accessory building east to the end of the Interim Use Permit-related area.
2. Existing stored items in connection with the Interim Use Permit be relocated away from the north property line. All interim use permit-related materials are required to be stored on the south side of the easterly accessory building that is utilized for the home extended business.
3. Home extended business equipment and materials be stored on site so as to not be visible from Brockton Lane North.
4. Vehicle and equipment operation/maintenance/use shall not occur onsite outside of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
5. The use and storage of large dump trucks on site shall be limited to two (2), and one (1) smaller dump truck. Any request for additional vehicle storage shall be reviewed and considered through an Interim Use Permit amendment.
6. Vehicle trips to and from the property directly associated with the Home Extended Business shall be limited to 12 per day.

7. The Interim Use Permit shall be valid for a period of three (3) years from the effective date of this resolution or shall expire when the business is relocated, or the property is sold.
8. The City shall reserve the right to inspect the property during City business hours, with at least 24-hour notice provided to the property owner, to verify continued compliance with the applicable provisions of the Dayton Zoning Ordinance and conditions of approval herein.
9. If the City Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the home extended business' noncompliance continue passed 60 days, the home extended business IUP may be revoked.

ACTION:

The City Council has the following options:

- A. Motion to recommend **approval** of the Interim Use Permit for Home Extended Business based on findings of fact and subject to the conditions in said resolution.
- B. Motion to recommend **denial** of the Interim Use Permit for Home Extended Business with findings of fact to be provided by the City Council.
- C. Motion to **table** action on the item with direction to be provided to the applicant and staff by the City Council.

ATTACHMENT(S):

Draft Resolution No. 11-2025, Approval of Interim Use Permit for Home Extended Business

Aerial Image

Aerial Image with 100-foot buffer from the adjacent home

Applicant Site Plan with Proposed Storage Locations Identified

Home Occupation Questionnaire Submitted by Applicant

Images from Site Visit on November 19, 2024

Dayton Zoning Ordinance Section 1001.13 Home Occupations

Dayton Zoning Ordinance Section 1001.23 Conditional Use and Interim Use Permits

RESOLUTION NO. 11-2025

**CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT**

**RESOLUTION APPROVING AN INTERIM USE PERMIT FOR HOME EXTENDED BUSINESS
INCLUDING OUTDOOR STORAGE AT 15430 BROCKTON LANE NORTH**

BE IT RESOLVED, by the City Council of the City of Dayton, Minnesota, as follows:

WHEREAS, John Herbes, Justine and Mitch Frye (hereinafter referred to together as the “Applicant”), owners of 15430 Brockton Lane North, have made an application for an Interim Use Permit for Home Extended Business including outdoor storage (hereinafter referred to as the “Use”). The parcel has a Property Identification Number 06-120-22-24-0003 and a legal description as follows:

Lot 1, Block 2, Hunters Run (Hereinafter referred to as the “Subject Property”)

WHEREAS, the property is zoned A-1, Agricultural, and is 10.93 acres in size; and

WHEREAS, City Code 1001.13 allows for property owners to apply for an Interim Use Permit for a Home Extended Business; and

WHEREAS, City Code 1001.23, Subd 2 defines the purpose and scope of an Interim Use Permit (IUP). In summary, an IUP is a use that is currently acceptable, but may not be in the future. An IUP is intended to be temporary, to expire on a certain date or event. An IUP is to be processed according to the same standards and criteria as a Conditional Use Permit (CUP); and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and

WHEREAS, the City Planning Commission held a Public Hearing at its January 9, 2025 meeting regarding the Permit where the Applicant was present. A Public Hearing notice was published by The Press on Thursday, December 26, 2024 and mailed to property owners within 500 feet of the project. The Planning Commission recommended approval; and

WHEREAS, the City Council at its February 11, 2025 meeting reviewed and considered the application.

NOW, THEREFORE, based upon the information from the public hearing, the testimony elicited, and information received, the meetings of the City Council, reports of City Staff and information contained within the files and records of the City, the City Council for the City of Dayton makes the following:

FINDINGS:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

Finding: *Being that the property is zoned A-1, and is larger than 2.5 acres in size, this property is eligible to apply for an Interim Use Permit for a home extended business that includes*

outdoor storage. Chapter 5: Land Use, of the 2040 Comprehensive Plan encourages the allowance of home business that are accessory to a residential use and that adhere to the zoning ordinance, in order to assist with expanding and diversifying the City's tax base.

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

Finding: *It is not anticipated the Use will substantially diminish or impair property values within the immediate vicinity of the subject property.*

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

Finding: *The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.*

4. The proposed use will not impede the normal and orderly development of surrounding property.

Finding: *The surrounding properties are all within the Post 2050 Staging Plan of the Comprehensive Plan, and are not anticipated to develop during the term of the proposed Interim Use Permit.*

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

Finding: *The proposed use will not create an undue burden on parks, schools, streets, or other public service. Brockton Lane North is a County Road and A-Minor Arterial road the where commercial traffic is not uncommon.*

6. The proposed use is adequately screened.

Finding: *The proposed use is currently adequately screened from the public right-of-way, and as part of the conditions of approval, additional screening will be provided to the adjacent property to the North.*

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

Finding: *The proposed use will create noises during equipment operation not customary to the area, but not out of the ordinary for the proposed interim use.*

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

Finding: *The proposed IUP will provide adequate parking on the site.*

9. The proposed use will protect sensitive natural features.

Finding: *There is a small wetland on the property to the southeast of the home, the area for the proposed IUP is more than 100 feet away from the wetland base on National Wetlands Inventory on Hennepin County GIS. The proposed use is not expected to impact the wetland.*

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dayton, based upon the information received and the above Findings, that the City Council does hereby **Approve** the Applicant's request for an Interim Use Permit for a Home Extended Business including outdoor storage. The Applicant shall meet the following conditions to the satisfaction of the City:

1. A six (6)-foot opaque fence made of wood or vinyl shall be installed on the north property line for improved screening from adjacent residential uses. Such fence shall extend from westerly accessory building east to end of Interim Use Permit related area.
2. Existing stored items in connection with the Interim Use Permit be relocated away from the north property line. All interim use permit related materials are required to be stored on the south side of the easterly accessory building that is utilized for the home extended business.
3. Home extended business equipment and materials be stored on site so as to not be visible from Brockton Lane North.
4. Vehicle and equipment operation/maintenance/use shall not occur onsite outside of 7:00 a.m. and 8:00 p.m. Monday through Saturday.
5. The use and storage of large dump trucks on site shall be limited to two (2), and one (1) smaller dump truck. Any request for additional vehicle storage shall be reviewed and considered through an Interim Use Permit amendment.
6. Vehicle trips to and from the property directly associated with the Home Extended Business shall be limited to 12 per day.
7. The Interim Use Permit shall be valid for a period of three (3) years from the effective date of this resolution or shall expire when the business is relocated, or the property is sold.
8. The City shall reserve the right to inspect the property during City business hours, with at least 24-hour notice provided to the property owner, to verify continued compliance with the applicable provisions of the Dayton Zoning Ordinance and conditions of approval herein.
9. If the City Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the home extended business' noncompliance continue passed 60 days, the home extend business IUP may be revoked.

Adopted this 11th day of February, 2025, by the City of Dayton.

Mayor — Dennis Fisher

City Clerk — Amy Benting

Motion by _____ Second by _____

*Resolution **approved***

MOTION DECLARED PASSED



Hennepin County Locate & Notify Map

Date: 12/26/2024



Buffer Size:

Map Comments:

Herbes IUP for Home Extended Business

0 100 200 400 Feet
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us



Buffer Size: 100 foot buffer from adjacent
Map Comments: home.

0 25 50 100 Feet

Actual property line. Red line is error on Hennepin County GIS

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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○ - Aggregate Material Storage Area

○ - Truck and Trailer Parking Area

Property is 10.93 acres (476,057 sq. ft.)

Total IUP-related area shown below = 33,000 sq. ft. (0.76 acres).

Proposed fence made of wood or vinyl



→ 20'-0" ←

→ 40'-0" ←

→ 10'-0" ←

→ 30'-0" ←

→ 57'-0" ←



Home Occupation Questionnaire

If additional space is needed to adequately answer any of the following questions, answer on a separate sheet of paper or on the back of this application. Please number your answer to correspond with the question.

1. Describe the proposed home occupation in detail:
To be used as a shop and storage for trucks, trailers and equipment to do asphalt and concrete.
We have no customers at this location
2. Describe the character of the surrounding property:
Next to the north is a vet business that boards horse and has customers
Behind us is farm land--been in corn
Next to us on south side-Michael grows grass
3. Who will be employed in this home occupation and what will their duties be?
John Herbes--Owner manager-- Mitch Frye advertising--Yuriy Kormin owner-concrete,
Nick Kormin owner-asphalt,
Two part-timers all of us work off site. The days we need equipment we will pick it up
and all our work is off site.
4. Will there be any people employed in the home occupation who do not live in the home? If
yes, describe the need for their employment.

Yuriy, Nick and maybe part-time to pick up equipment and clean and fix things
5. In what part of the home will the home occupation be located? What percentage of floor
space will be used?

The house itself will only use bathroom,
6. Will the home occupation be carried out in a garage, shed, or any other part of the property
other than the home? If yes, describe:

The barn in back and yard.
7. Will there be any outside storage of equipment or materials used in the home occupation?
If yes, describe the equipment or materials:

Lumber, dirt, sand, dump trucks and trailers, skids and attachments
Asphalt equipment and concrete equipment

8. What are the intended days and hours of this home occupation?

Monday through Friday 7am to 8pm-- Saturdays 8am to 4pm
Most time we are out working off site

9. How many customers will visit your home occupation at any one time? If none, skip to question #12.

10. Do you have off-street customer parking available at your home occupation? If yes, attach a drawing showing the location, capacity and type of parking surface:

11. Will you need to use the street for parking as part of your home occupation? If yes, how much parking space will be needed?

12. How many vehicle trips from customers and/or employees (including subcontractors) will the home occupation generate on any given day?

No customers, 4 to 8

13. Will the home occupation require or involve any equipment not normally found in the home? If yes, describe the equipment:

Asphalt paver, larger trailers, dump trucks, rollers and tools for concrete

14. Will the home occupation involve the sale of merchandise over-the-counter that is produced off the property? If yes, describe the merchandise to be sold:

No

15. How long do you anticipate the home occupation will be operated at this address?

Ten years

16. Are any interior or exterior alterations required for this home occupation? If yes, describe the interior and/or exterior alterations, and the cost for such alterations, required:

No

17. Will the home occupation produce glare, noise, odor or vibration that will be noticeable outside the home? If yes, describe:

Starting of truck, small motors,

18. Do you plan on displaying any signs advertising your home occupation? If yes, attach a drawing of the proposed sign, including the size, materials, color and location of the sign.

Do not need a sign--However if it's aproved it is good advertizing.

19. Are there any licenses or permits that are required from any government agencies to legally conduct this home occupation? If yes, list the licenses or permits below:

No

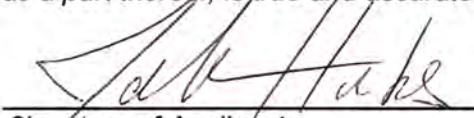
20. May the City inspect the property during the time this application is being considered for approval?

Yes, and they have even taken photo's with approval

21. List any additional information concerning this home occupation that you believe is necessary for consideration of your application:

A wise person told me to state, as we grow it could go to two dump trucks or maybe four bigger dump truck within the next ten years. This would mean five drivers and maybe 8 trips in out of property--It's good to dream.

By signing this application, I declare that I have read Section 1001.13 of the Dayton Zoning Ordinance, and that all of the information provided to the City of Dayton is on this application, or as a part thereof, is true and accurate to the best of my knowledge.


Signature of Applicant

11-26-2024
Date













1001.13 HOME OCCUPATIONS.

Subd. 1 Purpose.

The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Subsection is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

Subd. 2 Home Business Categories

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

Subd. 3 General Provisions

All Home Occupations shall meet the following standards:

(1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(2) The applicant shall reside in the home associated with the Home Occupation.

(3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

(5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

(6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

(7) All parking associated with the Home Occupation shall occur on-site on the driveway.

(8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

(10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

(12) All Home Occupations shall meet all applicable fire and building codes.

(13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in person customer interaction on site (e.g. telecommuting).

(14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

Subd. 4 Performance Standards

(1) *Administrative Home Occupation Performance Standards.*

a. The occupation shall not use more than 25% of the floor area of the home (excluding the garage area). State licensed day care facilities serving 12 or fewer persons are exempt from this Subsection.

- b. No part of any detached garage or accessory building can be used for the occupation.
- c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.
- d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.
- e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.
- f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home. The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.
- g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

(2) *Home Extended Business performance standards (interim use permit required).* Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

- a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.
- b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.
- c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.
- d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section 1001.35, Accessory Buildings and Structures.
- e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.
- f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.
- g. Direct sale of goods that are not produced on the site is prohibited.
- h. Dust control measures may be required.
- i. Any other reasonable conditions required by the City Council.
- j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

Subd. 5 Procedures and Permits

(1) *Administrative home occupation permit.*

- a. An application form and fee for a home occupation permit must be completed and filed with the City.
- b. Administrative Home Occupations complying with all the provisions as provided in this section may be approved by the City Administrator or the Administrator's designee.
- c. The City on an annual basis may review Administrative Home Occupation permits. If the Administrative Home Occupation is in compliance of City Code the City Administrator may renew the permit. If the Administrator finds that the use is not in compliance the permit holder will be notified and shall have 60 days to bring the use into compliance.
- d. The permit shall remain in full force and effect until such time as there has been a change in ownership or until such time as the provisions of this Subsection have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

(2) *Home Extended Business interim use permit.*

a. An application form, fee and supporting materials for an interim use permit must be filed with the City. See Subsection 1001.23 for the interim use permit application and review process.

b. Home Extended Businesses must comply with all the provisions of this section and all conditions associated with issuance of an interim use permit.

c. The City shall notify the County Tax Assessor when any Home Extended Business permit is granted and provide a copy of such permit to the Assessor.

d. The City Council shall approve the Home Extended Business IUP with a 5 year time limit. If the City Zoning Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the Home Extended Business' noncompliance continue past 60 days the Home Extended Business IUP shall be revoked.

e. Whenever an application for an interim use permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial.

(3) *Transferability.* Home Extended Business interim use permits and Administrative Home Occupation permits shall not run with the land and shall not be transferable. If the Home Extended Business or Administrative Home Occupation is discontinued for a period of one year, or non-compliance beyond 60 days, the Home Occupation permit, or Home Extended Business interim use permit shall be revoked.

(4) *Renewal of permits.* An applicant shall not have a vested right for a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(5) *Inspection.* The City hereby reserves the rights upon issuing any permit to inspect the premises in which the home business is being conducted to ensure compliance with the provisions of this Subsection or any conditions additionally imposed.

Subd. 6 Non-conforming and Existing Home Business Uses

(1) Home Occupations lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain permits, as may be required by this section, for their continued operation. Any existing Home Occupation that is discontinued for a period of more than 1 year, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this section.

(2) When identified and notified by the City, existing Home Occupations that do not have a permit from the City, shall within 30 days make application for an Administrative Home Occupation permit or Home Extended Business interim use permit as may be required by this section.

(Prior Code, § 1001.12, Subd. 7) (Ord. 2006-14, passed 12-14-06; Am. Ord. 2018-11, passed 5-8-2018)

1001.23 CONDITIONAL USE AND INTERIM USE PERMITS.

Subd. 1 Conditional Use Permits

(1) *Purpose and scope.* The conditional use permit process is intended to provide the City with an opportunity to review a proposed use that has the potential to be incompatible with surrounding uses, but can be made compatible through the establishment of reasonable conditions. Approval of a conditional use is a site specific approval and does not indicate that the conditional use is able to be conducted on every parcel within the zoning classification. Every application for a conditional use permit will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use. The approval of the conditional use permit runs with the land and is not impacted by changes in ownership.

(2) *Application.* A request for a conditional use permit shall be initiated by an owner of property or an authorized representative of an owner through the submission of a conditional use permit application to the Zoning Administrator that includes the following:

a. A complete application form signed by the property owner and the applicant (if different from the property owner);

b. A thorough written description of the proposed conditional use;

c. A legal description of the property;

d. Application fee and escrow deposit;

e. Certified list and set of mailing labels of the names and addresses of all property owners within 500 feet of the boundaries of the property in question. (This item is not required for administrative conditional use permit applications.)

f. A map showing the property in question and the surrounding land use of all property within 500 feet of the property in question;

g. A complete site plan showing all aspects of the proposed use and its relationship to the surrounding neighborhood;

h. Schematic architectural, landscape, grading and utility plans for projects involving new construction, exterior remodeling or additions;

i. A survey may be required if it is determined to be necessary by the Zoning Administrator; and

j. Any other information required by the Zoning Administrator, Planning Commission or City Council.

(3) *Process.*

a. Notice of the time and place of the public hearing shall be given not more than 30 days nor less than 10 days in advance of the public hearing by publishing a notice in the official newspaper of the City and by mailed notice to the property owners within 500 feet of any boundary of the property for which the use is proposed. This notice shall describe the particular conditional use and shall contain a brief description thereof. The County Auditor's records shall be used for determination of ownership and mailing addresses.

b. No hearing will be scheduled and the application will not be deemed to be complete until all of the application requirements are submitted by the applicant in a form acceptable to the Zoning Administrator.

c. The Planning Commission shall hold at least 1 public hearing on the proposal to issue a conditional use permit.

d. Before any conditional use permit may be granted, the request shall be referred to the Planning Commission for study concerning the effect of the proposed conditional use on the Comprehensive Plan and on the character and the development of the neighborhood. The Planning Commission will make a recommendation to the City Council regarding reasonable conditions and findings of fact.

e. The approval of a conditional use permit requires that the City Council shall find that conditions can be established to ensure all of the following criteria will always be met:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

4. The proposed use will not impede the normal and orderly development of surrounding property.

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

6. The proposed use is adequately screened.

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

9. The proposed use will protect sensitive natural features.

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

f. *Denial.* Conditional use permits may be denied by resolution of the City Council when there is a determination and findings of fact by the City Council that the proposed use does not meet the criteria for granting a conditional use permit.

(4) *Time limit.*

a. Unless otherwise specified in the conditional use permit, the operation of the use and/or issuance of building permits for permitted structures shall begin within 6 months of the date of the conditional use permit approval. Failure to do so will invalidate the conditional use permit. Permitted timeframes do not change with successive owners. Upon written request, 1 extension of 6 months may be granted by the Zoning Administrator if the applicant can show good cause.

b. If a use operating pursuant to an approved conditional use permit is discontinued for a period of at least 6 months, any further use of the property shall conform to the requirements of this Subsection. A discontinued conditional use shall not begin operations again without first obtaining approval of a new conditional use permit.

(5) *Revocation.*

a. In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the conditional use permit. Before the revocation is considered, the City Council shall hold at least 1 public hearing after proper written notice has been issued in accordance with this section.

b. Following the hearing and subsequent discussion, the City Council may revoke the conditional use permit by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(6) *Amendments.* A conditional use permit may be amended or modified only in accordance with the procedures and standards established when originally securing the conditional use permit. A request for a change in the conditions of

approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this Subsection. An additional application fee may be required before the consideration of the amendment request.

Subd. 2 Interim Use Permits

(1) *Purpose and scope.* The interim use is a use that is currently acceptable but in the future may no longer be acceptable. The interim use permit process is intended to provide the City with an opportunity to allow a use that meets 1 of the following criteria:

- a. The use is for a brief period of time until a permanent location is obtained or while the permanent location is under construction;
- b. The use is judged by the City Council to be presently acceptable but with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use within the respective district;
- c. The use is judged by the City Council to reflect the long range vision for the area and is in compliance with the Comprehensive Plan provided that the use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(2) *Application, process, time limit, revocation and amendments.*

- a. An interim use permit shall be processed according to the standards, procedures and criteria for conditional use permits. In addition, the proposed interim use must be allowed in the respective zoning district.
- b. The interim use permit approval shall contain a date or specific event that will terminate the use with certainty.

(Ord. 2010-18, passed 9-28-2010)

ITEM:

Consideration of an Amendment to City Code Title V: Public Works Chapter 50, Solid Waste, and City Code Title XIII: General Offenses, Section 130.07, Garbage and Refuse

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

A resident recently noted a discrepancy in the City Code regarding garbage container placement allowance within the City. Chapter 50 on Solid Waste, a Code section adopted in 1978 requires that all containers shall be placed at the back door of the building they serve. Whereas another section of the City Code, Chapter 130.07 requires them to be located no further than 3 feet from the building they serve, and kept in a neat and orderly manner. The discrepancy was ultimately found when an HOA was looking to update their own neighborhood guidelines, and did not know how to address the placement of containers given the discrepancy.

Staff is proposing the attached ordinance amendment that aims to consolidate the two sections regarding location of containers, and remove the requirement that residents are required to store their containers at the rear of the building served. Section 130.07 of the City Code already establishes location provisions, and they are as follows:

“(4) Placement of containers.

- (a) Refuse containers shall be stored either inside a building or outside not more than three feet from a building.
- (b) Containers stored outside of a building shall be placed and kept in a neat and orderly manner.
- (c) Containers may not be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.
- (d) Containers kept outside must be placed in such a manner as not to permit entry of or harborage for pests and so maintained as not to be tipped over.
- (e) Containers must be maintained in a reasonably clean condition at all times.
- (f) Containers shall be placed at their assigned collection location the night before or the day of collection. Containers shall be removed no more than 12 hours after the scheduled collection day.
- (g) Containers must not be placed on public sidewalks or interfere with the removal of snow from roadways; except, those properties with a sidewalk immediately behind the curb may place containers on that part of the sidewalk closest to the curb.”



Above are a couple examples of where containers have been typically located when outside.

The amendment also updates the container size requirements to be consistent with the container size that is provided by waste collectors in this area. The largest container for residential properties provided by waste collection companies is 95 gallons, and the amendment clarifies this.

Finally, this amendment requires containers and dumpsters at construction sites be covered when not in use to avoid debris from the containers. This language came after a discussion with the Public Works Director that this has been an issue before, especially at times of high wind.

CRITICAL ISSUES:

None

RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

PLANNING COMMISSION

The Planning Commission discussed this amendment at their January meeting, and were in consensus that the amendment removing the discrepancy made sense and did not recommend any changes to the current language found in Section 130.07.

RECOMMENDATION:

Staff recommends approval of the amendment as proposed. The amendment clarifies where containers may be stored on residential properties, and eliminates a discrepancy found within the City Code.

ATTACHMENT(S):

Draft Ordinance No. 2025-02

City Code Chapter 50: Solid Waste

City Code Chapter 130.07: Garbage and Refuse

ORDINANCE NO. 2025-02

**CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA**

**AN ORDINANCE AMENDING DAYTON CITY CODE TITLE V: PUBLIC WORKS
RELATING TO SECTION 50.04 AND SECTION 130.07**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMENDMENT. Dayton City Code Section 50.04 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

§ 50.04 CONTAINERS.

(A) *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of ~~division (B) below~~ City Code Section 130.07(A)(1).

~~(B) *Container requirements.* Each container shall be water tight, shall be impervious to insects and rodents, shall be fire proof and shall not exceed 32 gallons in capacity; except that, any construction site, commercial or business establishment having refuse volume exceeding two cubic yards per week shall provide bulk or box type refuse storage containers of a type approved by the Council. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.~~

~~(C) *Placement.* The container shall be placed near the rear door of the building which it serves. If required by the refuse collector, the container shall be placed at the front property line for collection, but it shall not be so placed before 8:00 p.m. the night before collection and shall be removed by 6:00 p.m. the day of collection.~~

~~(B) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.~~

...

SECTION 2. AMENDMENT. Dayton City Code Section 130.07 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

§ 130.07 GARBAGE AND REFUSE.

(A) *Refuse storage and disposal.*

(1) *Containers required.* The owner of any premises, and any other person having refuse as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water-tight, must have tight-fitting covers, must be impervious to pests and absorption of moisture and must not exceed 950 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Such containers and/or dumpsters used at construction sites shall be covered while not in use to prevent refuse and debris from spreading to the surrounding area. Commercial, business, industrial or other such establishments having a refuse volume in excess of two cubic yards per week and all six-family and larger dwellings must provide approved bulk or box type refuse storage containers or approved equivalent. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer. All containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or shard edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced.

...

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton this 11th day of February 2025

Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____ Seconded by _____

Motion passed _____

Published in the THE PRESS on _____

§ 50.04 CONTAINERS.

(A) *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) below.

(B) *Container requirements.* Each container shall be water-tight, shall be impervious to insects and rodents, shall be fire-proof and shall not exceed 32 gallons in capacity; except that, any construction site, commercial or business establishment having refuse volume exceeding two cubic yards per week shall provide bulk or box-type refuse storage containers of a type approved by the Council. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

(C) *Placement.* The container shall be placed near the rear door of the building which it serves. If required by the refuse collector, the container shall be placed at the front property line for collection, but it shall not be so placed before 8:00 p.m. the night before collection and shall be removed by 6:00 p.m. the day of collection.

(D) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

(1978 Code, § 501.04) Penalty, see § 10.99

§ 130.07 GARBAGE AND REFUSE.

(A) *Refuse storage and disposal.*

(1) *Containers required.* The owner of any premises, and any other person having refuse as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water-tight, must have tight-fitting covers, must be impervious to pests and absorption of moisture and must not exceed 90 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Commercial, business, industrial or other such establishments having a refuse volume in excess of two cubic yards per week and all six-family and larger dwellings must provide approved bulk or box type refuse storage containers or approved equivalent. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

(2) *Sanitary disposal.* Refuse must be disposed of in a sanitary manner as approved by the health authority and must not constitute a nuisance. Refuse must not be composted or buried; except that, composting in an approved rodent- and fly-proof device or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.

(3) *Frequency and manner of collection.* The contents of refuse containers must be collected once every week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed hereunder. The collector must transfer the contents of the containers to the vehicle without spilling them, or if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in such a manner as to not create a nuisance. Upon each collection, the containers must be completely emptied and returned to the racks or stands where they are kept, and the covers of the containers must be replaced.

(4) *Placement of containers.*

(a) Refuse containers shall be stored either inside a building or outside not more than three feet from a building.

(b) Containers stored outside of a building shall be placed and kept in a neat and orderly manner.

(c) Containers may not be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.

(d) Containers kept outside must be placed in such a manner as not to permit entry of or harborage for pests and so maintained as not to be tipped over.

(e) Containers must be maintained in a reasonably clean condition at all times.

(f) Containers shall be placed at their assigned collection location the night before or the day of collection. Containers shall be removed no more than 12 hours after the scheduled collection day.

(g) Containers must not be placed on public sidewalks or interfere with the removal of snow from roadways; except, those properties with a sidewalk immediately behind the curb may place containers on that part of the sidewalk closest to the curb.

(5) *Defective containers.* If, upon inspection by the city, a container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the city must notify the provider or user of the container of the deficiency and must require repair or replacement of the container and must state a compliance date in the notice. If the deficiency is not corrected by said compliance date, the city may condemn the deficient

container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

(6) *Dumpster location and requirements.* A dumpster may not be located in any public place. A dumpster may not be located on any premises for more than three consecutive months during any 12-month period. The Administrator is authorized to issue temporary permits for placement of a dumpster on any premises for more than three consecutive months when, in the Administrator's judgment, special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit must be displayed on the dumpster or elsewhere on the premises. All dumpsters must have the current licensed collector's name, address and phone number in clearly legible letters no less than three inches in height. No fee is required for the temporary permit.

(B) *Refuse storage and disposal - commercial and industrial; dumpsters.* Exterior storage of refuse, including recyclables, and refuse containers, including dumpsters, at buildings in property zoned for commercial or industrial uses must conform to the following rules.

(1) The refuse must be contained in a refuse enclosure or in the case of food establishments, in a refuse enclosure - food service.

(2) The exterior storage area must be constructed in compliance with the city code.

(C) *Refuse littering prohibited.* It is unlawful to throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited, any refuse, handbills or other littering materials upon or in public or private lands, bodies of water, vehicles or structures within the city. A property owner must maintain the owner's premises and abutting sidewalks and boulevard areas free of refuse litter.

(D) *Public health nuisance and abatement.* Unless stored in containers in compliance with this section, any accumulation of refuse at any time and on any premises creates a public health nuisance. Such accumulation of refuse may be abated by order of the health authority and the cost of abatement may be assessed against the property from which such accumulation was removed, as authorized in M.S. § 429.101, as it may be amended from time to time.

(E) *Composting.*

(1) *General rule.* A compost must be maintained or contained in a manner to prevent it from becoming a habitat for pests and create objectionable odors.

(2) *Permitted contents.* A compost may contain only plant material consisting of grass clippings, weeds, leaves, small twigs, evergreen cones and needles, wood chips, sawdust and herbaceous garden debris.

(3) *Prohibited contents.* The following materials may not be placed in a compost:

- (a) Garbage;
- (b) Refuse;
- (c) Rubbish;
- (d) Waste matter;
- (e) Fecal material; and/or
- (f) Any matter of animal origin.

(4) *Compost; construction.* A compost may be constructed of:

- (a) Wood;
- (b) Wire mesh;
- (c) A combination of wood and wire;
- (d) Metal barrels with ventilation; and/or
- (e) Commercially fabricated bins or barrels.

(5) *Compost; maintenance.* The compost must periodically be mixed to incorporate air, properly mix wet and dry material and promote rapid biological degradation. The compost must provide for adequate air circulation to prevent objectionable odors. The contents of the compost must be completely removed at least once a year.

(6) *Compost; location.* A compost may not be placed closer than five feet from a property line. The compost may be located only in the rear yard of a residential lot and in the rear of commercial and industrial properties.

(7) *Technical assistance.* The Administrator is directed to prepare informational materials to assist persons operating a compost in the efficient and odor free operation of a compost and to offer technical assistance to those persons on the proper operation and maintenance of a compost.

(8) *Nuisance.* The operation of a compost in a manner that results in objectionable odors and the placing of prohibited materials in a compost is a public nuisance and may be abated as such under § 130.04(E) of this chapter.

(F) *Wood piles.*

(1) *General rule.* The outside storage of cut firewood for residential buildings is permitted in residential zoning districts of the city subject to the provisions of this division (F).

(2) *Number of stacks.* There may be four separate stacks of wood on one residential lot.

(3) *Dimensions.* Stacks of wood may not exceed five feet in height, four feet in width and ten feet in length. A stack must:

(a) Provide for at least a four-inch space between the ground and the first layer of wood by using decay-resistant material; or

(b) Be placed on a decay-resistant surface.

(4) *Location.* Stacks of wood governed by this division (F) may be located only in rear yards as defined in the zoning ordinance and may not be located on a property line.

(5) *Screening.* A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

(Ord. 2009-13, passed 7-14-2009; Ord. 2015-02, passed 2-25-2015) Penalty, see § 130.99