

AGENDA
CITY OF DAYTON, MINNESOTA
12260 S. Diamond Lake Road, Dayton, MN 55327
Tuesday, March 25, 2025

WORKSESSION WITH PARK COMMISSION FOR TRAILS AND COMMUNITY PARK - 5:30P.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 and Worksession Minutes of February 25, 2025
- B. Approval of Council Meeting Minutes and Worksession Minutes of March 11, 2025
- C. Approval of Payment of Claims for March 25, 2025
- D. Approval of Letter of Opposition to Missing Middle Housing Bills at State Legislature
- 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**
- COUNCIL BUSINESS**
- Public Hearing**
- 7:00 E. Parkway Neighborhood Tax Abatement - CANCELLED
- New Business**
- 7:05 F. Oppidan Concept Plan Review - 17051 117th Ave N.
- Action Items**
- 7:20 G. Approval of Resolution 18-2025; Final Plat Parkway Neighborhood Phase 1
- H. Consideration of Ordinance No. 2025-06; Amendment to Public Hearing Notification Requirements
- 7:35 I. Comprehensive Plan Amendment; City Code Amendment, 1001 (Zoning), related to A-3 District
- 7:45 J. Approval of 2025 Strategic Plan
- 7:55
- 8:00 **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.

ITEM:

Discussion – Community Park

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Discuss need and priority for a Community Park

BACKGROUND:

During the Park Commission's March 4, 2025 meeting, the Commission had a number of questions in preparation for the March 25th Work Session.

CRITICAL ISSUES:

1. Define "Community Park"
2. Discuss need for a Community Park
3. Discuss funding options

DISCUSSION:

1. What is a Community Park? What is a Sports Park?

A Community Park includes 40+ acres of usable land for sports fields, special amenities (e.g. shelter), and destination attractions (e.g. splash pad) intended to serve a 1-2 mile radius.¹ A Sports Park is focused on tournament facilities, with some amenities (e.g. playground). The 2040 Comprehensive Plan identifies a need for three additional Community Parks (150 acres), and one Sports Park (85 acres).

2. What is the cost of a Community Park?

The cost depends on many factors. Estimated cost is \$8 million for a 40-acre Community Park, and \$16 million for an 85-acre Sports Park, assuming \$100,000 per acre.²

In 2019 and 2022, Maple Grove renovated Gleason Fields at a cost of \$28 million, including artificial turf fields, concession stand, playground and shelter.

3. What is CDAA?

Champlin Dayton Athletic Association (CDAA) provides youth sports to residents in Champlin, Dayton, and Champlin Park High School attendance area. In 2024, CDAA had about 2,800 participants, of which 20% were Dayton residents.³ CDAA is funded through user fees and charitable gambling proceeds. CDAA pays Champlin and Dayton \$25 per resident user, and \$55 per non-resident user, per sport. In 2025, CDAA paid \$14,524 to the City of Dayton and donated \$15,476 to Dayton. 60% of annual fees received by the city goes toward facilities that CDAA benefits from.

¹ 2040 Comprehensive Plan, Table 7.2 (Park Standards), and Park Classifications and Standards (Community Parks)

² City of Dayton Park Dedication calculations, 2025 (Landform)

³ 25% for Dayton kids ≤8U

4. What does Dayton / CDAA need in a Community Park?

NEEDS		SIGNATURE PIECES	
4-5	Baseball fields	Lighted fields	Large playground
4-5	Baseball/Softball fields (shared use)	Ballfield w/stands	Splash pad
3	Lacross/Soccer fields (shared use)	Adaptive ballfield	Refrigerated ice skating
1-2	Concession stand / pavilion	Artificial turf fields	Fishing pier
1	Playground	Dome / fieldhouse	Sledding hill
	Basketball		Rental space
	Tennis / Pickel ball		Nature walk

5. What has the City done to date?

The City has passively pursued land for several years, with an expectation of buying agricultural land at agricultural prices. Landowner's expectations are to sell land for development prices.

6. Potential funding sources?

Park Dedication Fees. Developers pay \$4,497 per single-family lot. 75% of this fee is intended to be spent locally (e.g. neighborhood park), while 25% is intended to be spent community-wide (e.g. community park). The fee is based on needs identified by the 2040 Comprehensive Plan. If the Council wishes to increase this fee, the Comprehensive Plan needs to be Amended to demonstrate a higher need.

Property Tax Levy. The city levies \$150,000 annually, designated for a community park.

CDAA Donation. (to remain undisclosed, publicly). CDAA is available for one on one conversations.

General Obligation Bonds. The city may issue GO bonds.

Referendum. The city can include a referendum question on the election ballot, to support issuing GO Bonds. The intent is for park development, not land purchase.

MN Legislature. The City can lobby legislature for state funding. The city is currently requesting \$11.6 million for infrastructure, public safety, and economic development.

Rent, Lease agreement. City can rent facilities and lease concession stand. For comparison, Champin's 2023 concessions revenue was \$35,300.⁴

Sponsorship. Sell naming rights, advertising on fences.

User Fees. Require field rental reservations for use, charge for tournament parking (e.g. fence & lock up parkland).

COMMISSION REVIEW / ACTION (IF APPLICABLE):

Ask questions.

⁴ City of Champlin 2025 Adopted Budget, p. 26

RELATIONSHIP TO COUNCIL GOALS:

Build Quality Infrastructure

Planning Ahead to Manage Thoughtful Development

Create a Sought After Community

BUDGET IMPACT:

\$10+ million

RECOMMENDATION:

1. Pursue land.
2. Conduct community survey in 2026, with a focus on parks & trails, and acceptable tax increase in support of a referendum.
3. Further discussion of park master planning, and referendums (Ehlers, Apple Valley, others).

ATTACHMENT(S):

Examples of Community Parks & Sports Parks

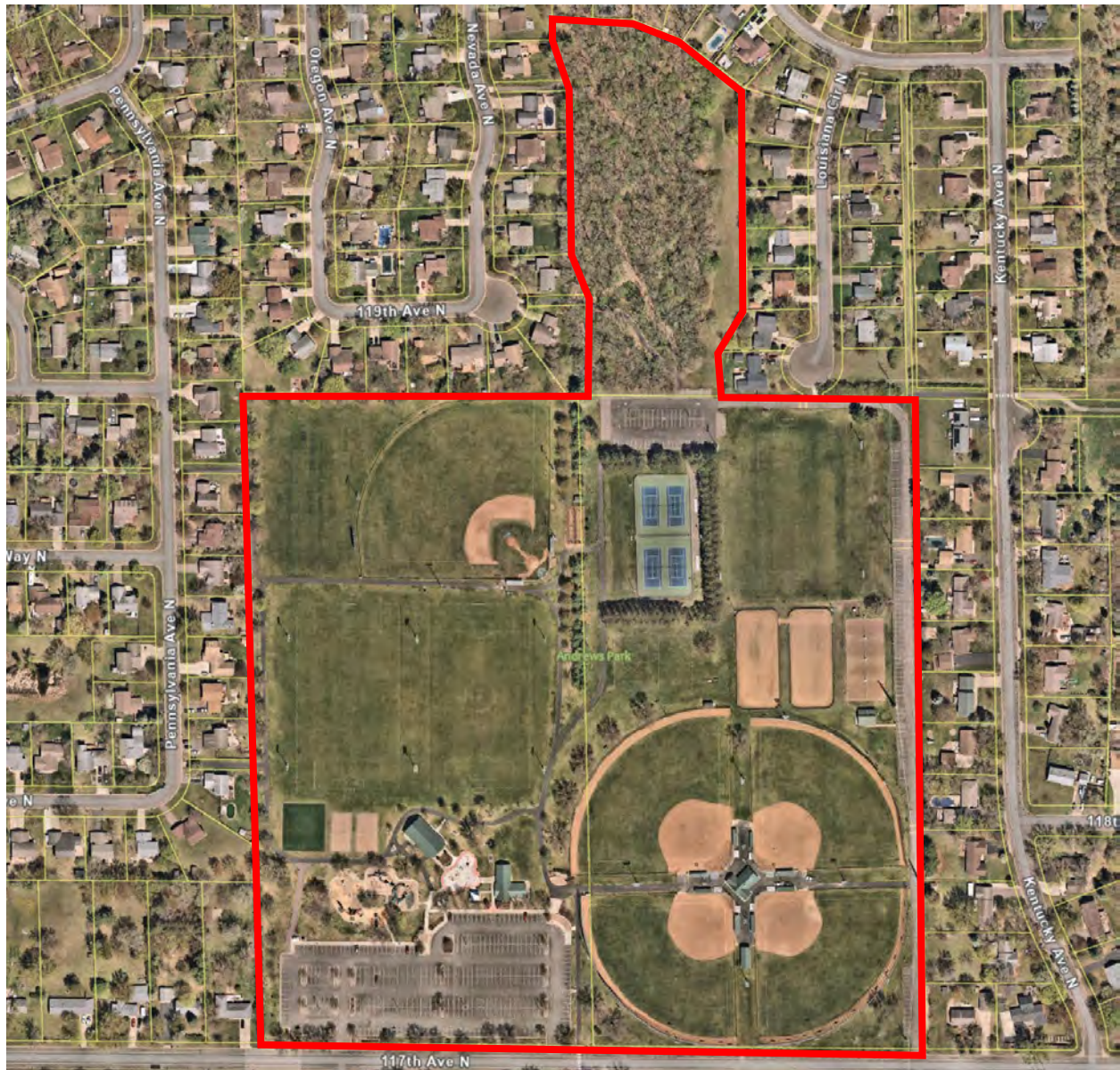
Apple Valley Referendum Summary

Central Park, Maple Grove (20 acres)



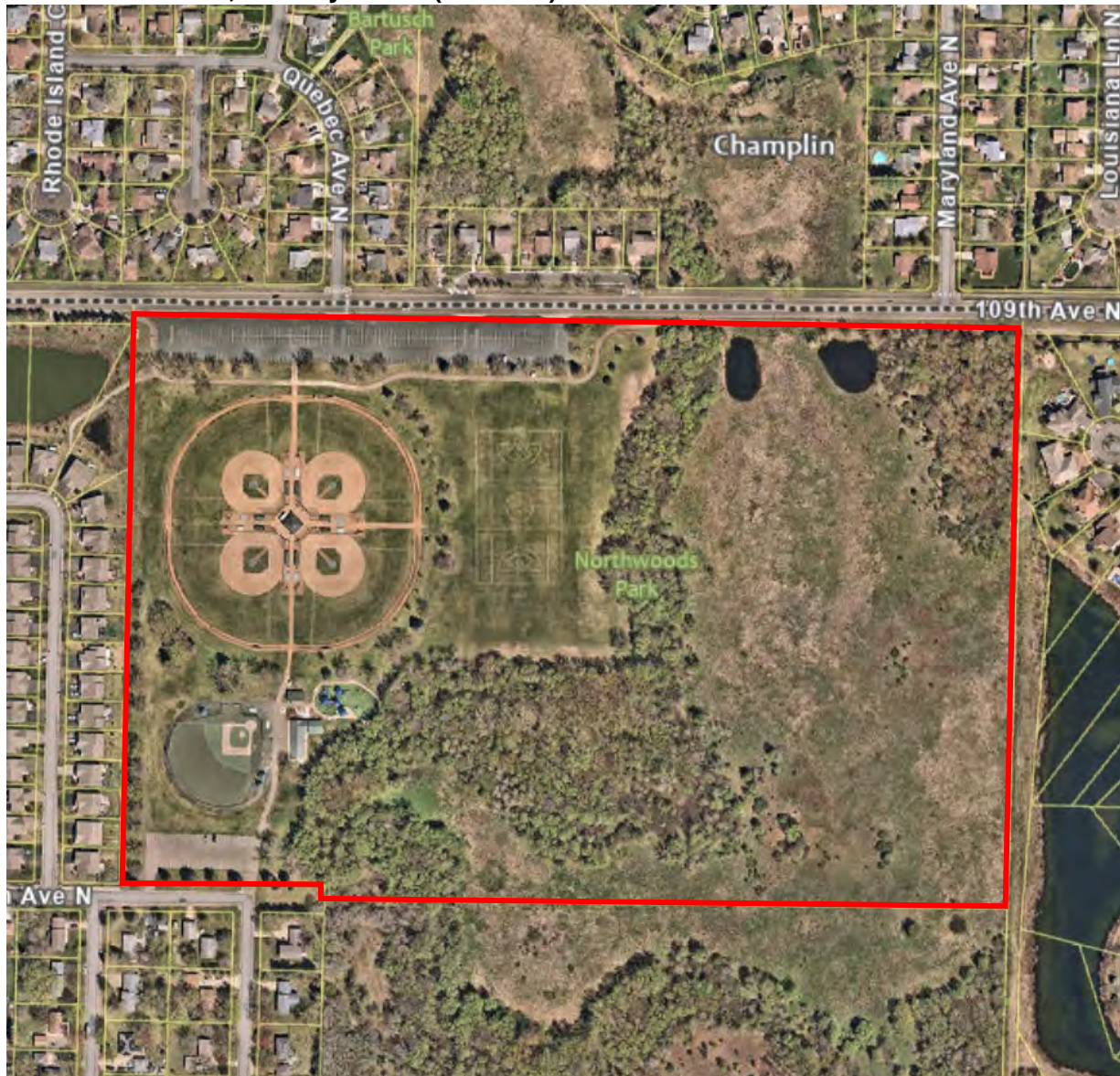
Central Park playground, skating course, community space. Veterans Memorial (Mar 15, 2025)

Andrews Park, Champlin (44 acres)



Andrews Park. Playground, pavilion, splash pad, concession stand. Softball concession stand (Mar 15, 2025).

Northwoods Park, Brooklyn Park (56 acres)

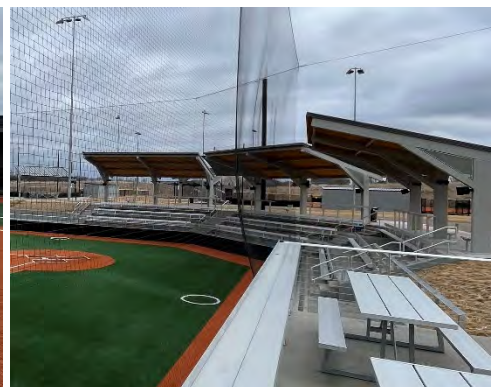


Northwoods Park, baseball fields, concession stand. Adaptive field with oversized tent, and pavilion (Mar 15, 2025)

Pinecone Park, Sartell (74 acres)

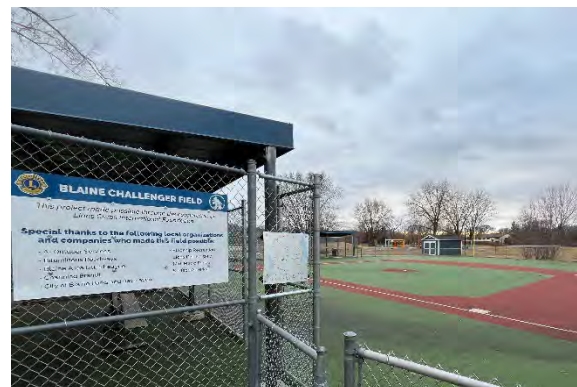


Gleason Fields, Maple Grove (60 acres)



Gleason Fields, artificial turf, portable pitcher mounds. Stadium, picnic & bar top seating (Mar 15, 2025)

Baseball Complex, Blaine (44 acres)



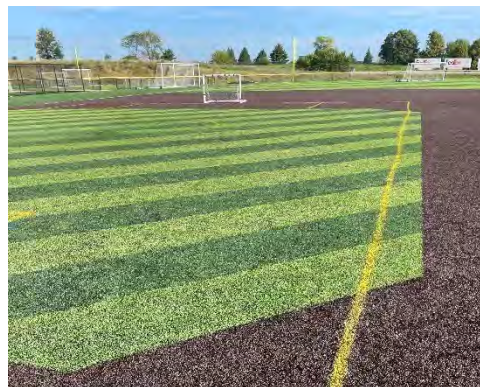
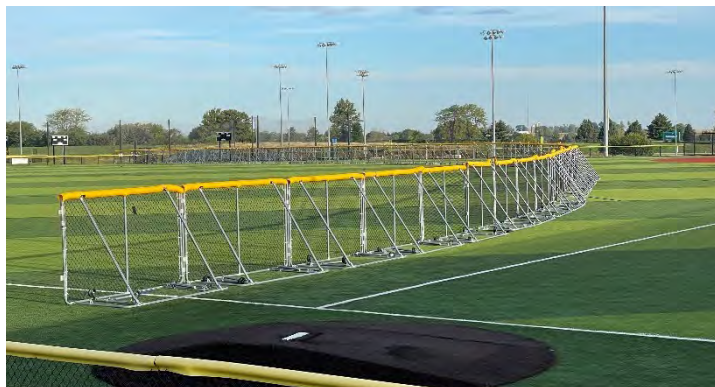
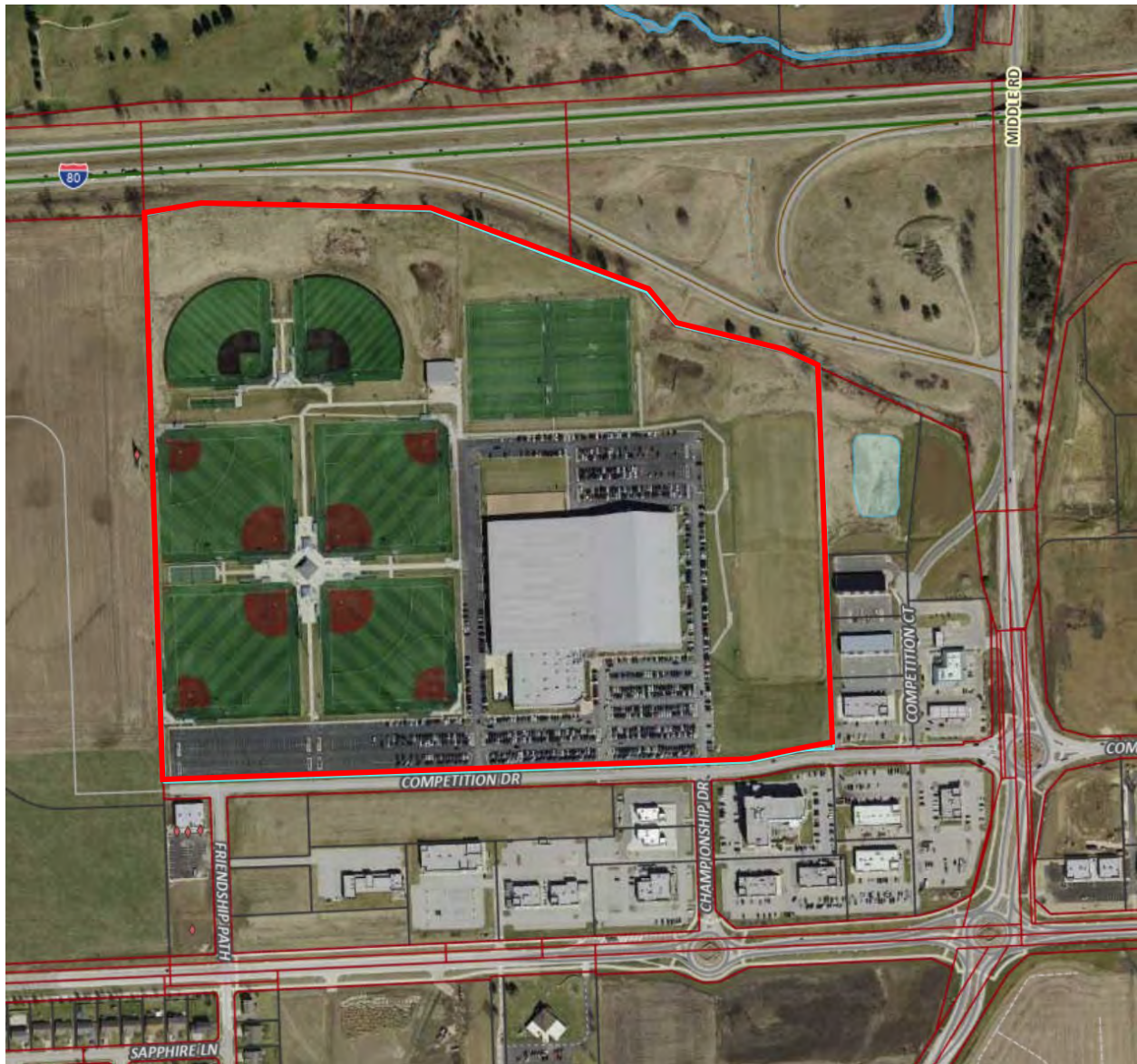
Baseball Complex. Advertising. Adaptive field "Challenger Field" (Mar 15, 2025).

Noble Sports Park, Brooklyn Park (52 acres)



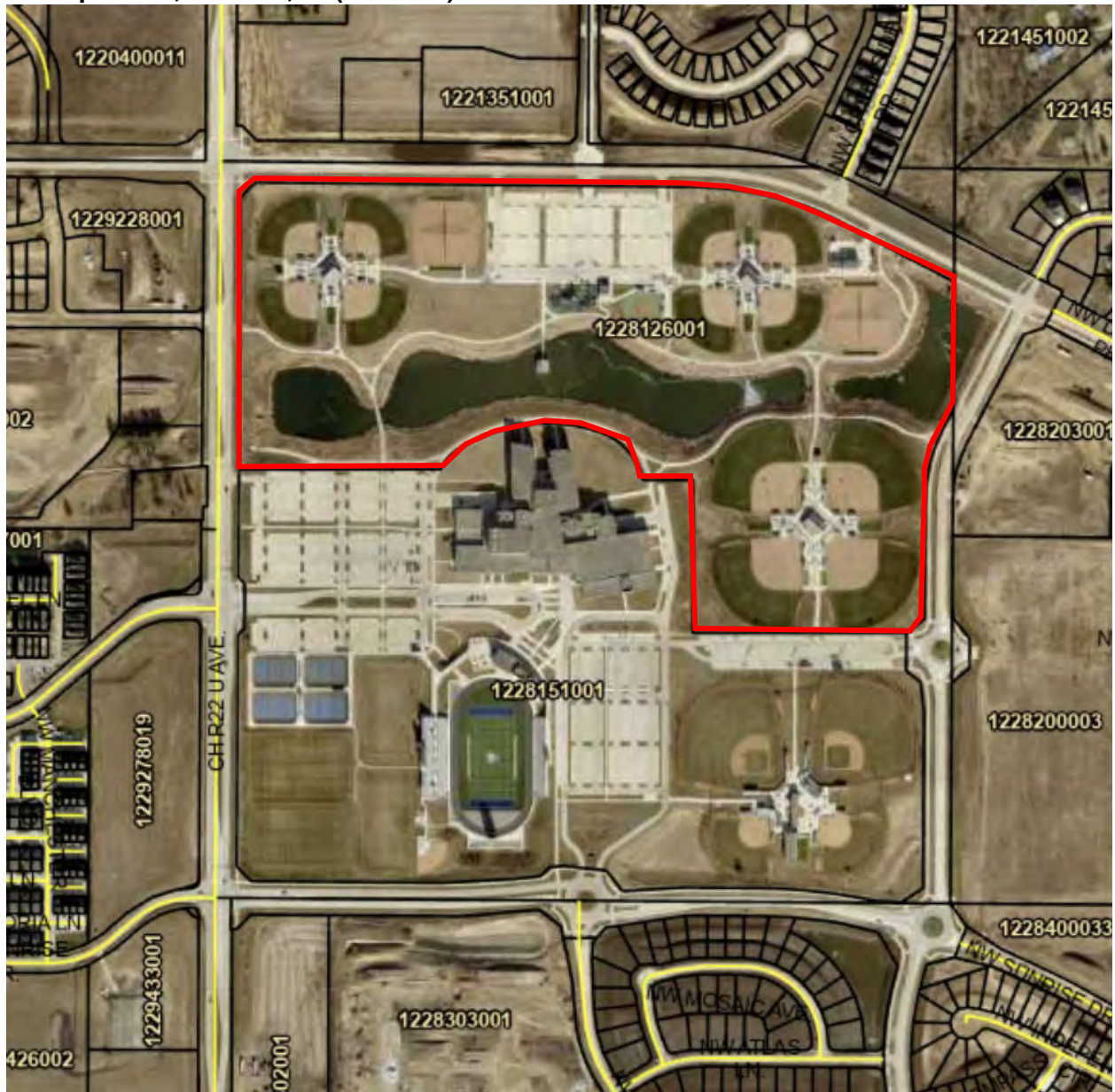
Noble Sports Park. Concession stand. Baseball stadium (Mar 15, 2025)

TBK Bank Sports Complex, Bettendorf, IA (75) acres



TBK Bank Sportsplex. Artificial turf fields. Portable fences. Multi-use "square" fields (Sep 15, 2024)

Triumph Park, Waukee, IA (66 acres)



Triumph Park. Ample Spectator Space. Fishing pier (Oct 6, 2024)

APPLE VALLEY REFERENDUM SUMMARY

In 2023, Apple Valley voters passed referendums approving \$73 million in general obligation bonds for park and trail improvements, and renovation of outdoor swimming pool (1965), with 10,000 annual visitors. The referendum process took 2+ years.

Process:

Fall 2021	City Council decided to pursue.
Winter 2021 – Winter 2022	Park concept plans
Spring, 2022	Community engagement
Summer, 2022	Review concept plans
Fall, 2022	Refine concept plans
Winter, 2023	Refine concept plans, funding options, community engagement
Spring, 2023	Community survey #1
Summer, 2023	Community survey #2. Finalize plan and costs.
Fall, 2023	Community engagement. Special Election.

This process cost **\$422,500**. Largest expense was special election (\$157,000).

Community survey #1 related to park use, opinions on quality, property tax increase (24% said \$0. 22% said \$48/year. 25% said \$96/year), and hierarchy of needs (natural resources, trails, swimming pool).

Community survey #2 related to would you vote for referendum, yes or no, and why. 61% supported, 33% opposed.

Results:

Question 1: Yes: **66.52%** No: 33.48%

Question 2: Yes: **60.12%** No: 39.88%

\$352,000 home: referendum = \$257/year property tax increase.

\$500,000 home: referendum = \$370/year property tax increase.

As it relates to Dayton (2024 survey):

79% supported a community park.


60% supported a sports park.


17% supported \$0 annual tax increase.

46% supported \$72 annual tax increase.

21% supported \$144 annual tax increase.

10% supported \$216 annual tax increase.

CITY QUESTION BALLOT	
CITY OF APPLE VALLEY DAKOTA COUNTY MINNESOTA	
November 7, 2023	
INSTRUCTIONS TO VOTERS	
To vote, completely fill in the oval(s) next to your choice(s) like this: 	
To vote for a question, fill in the oval next to the word "YES" for that question. To vote against a question, fill in the oval next to the word "NO" for that question.	
QUESTION NO. 1 CONSTRUCTION AND IMPROVEMENT OF PARKS & RECREATIONAL FACILITIES	
<input type="radio"/> YES	"Shall the City of Apple Valley be authorized to issue its general obligation bonds, in an amount not to exceed \$66,750,000.00 to provide funds for (i) the improvement of the city's park system, improvements to existing recreational trails and the construction of new recreational trails and the preservation of natural resources, (ii) improvements to the Apple Valley Community Center/Apple Valley Senior & Events Center, the Apple Valley Family Aquatic Center, the Hayes Arena and (iii) the construction of a youth baseball/softball complex."
<input type="radio"/> NO	
BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.	

CITY QUESTION BALLOT	
CITY OF APPLE VALLEY DAKOTA COUNTY MINNESOTA	
November 7, 2023	
INSTRUCTIONS TO VOTERS	
To vote, completely fill in the oval(s) next to your choice(s) like this: 	
To vote for a question, fill in the oval next to the word "YES" for that question. To vote against a question, fill in the oval next to the word "NO" for that question.	
QUESTION NO. 2 CONSTRUCTION AND IMPROVEMENT OF REDWOOD MUNICIPAL POOL	
<input type="radio"/> YES	"If City of Apple Valley Question 1 is approved, shall the City of Apple Valley be authorized to issue general obligation bonds, in an amount not to exceed \$6,500,000.00 to provide funds for construction of a municipal swimming pool and related facilities at Redwood Park."
<input type="radio"/> NO	
BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.	

Mayor Fisher called the work session meeting to order at 5:20 p.m.

PRESENT: Mayor Dennis Fisher, David Fashant, Stephanie Henderson, Scott Salonek, Sara Van Asten, Peter DeMuth, Darren Browen, Paul Crosland Nick Preisler, and Jeff Sargent

ABSENT:

ALSO PRESENT: Assistant City Administrator/City Clerk, Amy Benting; City Administrator/Finance Director, Zach Doud; Community Development Director, Jon Sevald; Planner II, Hayden Stensgard; City Attorney, Amy Schmidt

A-3 ZONING DISTRICT JOINT WORK SESSION WITH PLANNING COMMISSION

Sevald gave a brief overview. City Council directed Staff look at the possibility of allowing large-lot subdivisions. Sevald stated that after communications with the Met Council, it was determined that Dayton could not have large un-sewered lots. The minimum lot size is a decision for the City Council to determine. Within the proposed A-3 District, the intention is to have one home per ten acres.

Sevald stated that the intent of the A-3 Agricultural District is to allow residential development with a gross density of four units per 40 acres with the following guidelines: 1) Reserve land resources for efficient future urban development; 2) Identify land characteristics required to support future urbanization; 3) Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels; 4) Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions; and 5) Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with the Metropolitan Council policy at such time that urban services are available.

Sevald asked several questions: Is the northwest corner of Dayton the right area? The area includes 2,800 acres of land with 29 parcels and 112 building entitlements.

Fashant stated that the area in question is in the 2050 staging area.

Browen stated that it was his suggestion to push the area a little farther east, but now he's not sure if that's a good idea because of the proximity to the Dayton Parkway.

Discussion ensued regarding the alignment of the Dayton Parkway.

There was ultimate consensus to the boundary that was projected in Sevald's PowerPoint presentation.

The Planning Commission has discussed whether to require public streets or private streets. They also discussed whether the streets should be paved or gravel.

Van Asten stated that her vote is for private, gravel streets.

DeMuth stated that there should be a mix of public and private, paved and gravel.

Additional discussion ensued.

Brown stated that everything should be dependent on the number of people using the streets.

Van Asten stated that standards need to be set.

There was consensus to use private streets if three or less owners are involved. More than three owners must be public streets. Once a street becomes public, it must be paved.

Sevald asked if there should be any changes to the minimum design standards. Several design standards were projected, and discussion ensued.

Sevald asked what mechanisms should be required. The choices given were: 1) Ghost Platting; 2) Deed Restrictions; 3) Conservation Easements; and 4) Covenants.

All options were discussed.

It was ultimately decided to keep all four as options.

Sevald asked if a PUD should be required and if yes, what are the desirable public benefits.

Brown doesn't believe a PUD should be required, but it should be an option.

Fisher asked about the ten-acre rule from Met Council. Sevald stated that the Met Council supports ten-acre lots.

Fisher wanted to know what State Statute supports the Met Council's ten-acre rule.

Additional discussion ensued.

ADJOURNMENT

Fisher declared the meeting adjourned at 6:08 p.m.

WORK SESSION MEETING
FEBRUARY 25, 2025
5:20 P.M.
PAGE 3 OF 3

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

Respectfully Submitted,

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

Approved: _____

Attest: Amy Benting

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; Assistant City Administrator/City Clerk, Amy Benting; Community Development Director, Jon Sevald; Planner II, Hayden Stensgard; City Attorney, Amy Schmidt

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Doud mentioned the payment of claims cover page was incorrect from the previous meeting but is corrected now.

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 Council Meeting Minutes of February 11, 2025
- B. Approval of Payment of Claims for February 25, 2025
- C. Approval of Change Order 4 for Well House 5
- D. Approval of Well Head Treatment Plant Change Order 3

Van Asten asked why there was a switch from the natural gas generator to a diesel generator. Quisberg stated that the change was due to large tariffs that would be levied.

Henderson asked about the EMS supplies for the EMS Refresher Course. Hendrickson stated that the training is being brought inhouse, which is why the supplies are being purchased.

Henderson asked about the State of Minnesota OEMS charge for \$100. Hendrickson stated that it is not a check to Payton and is for the internal EMR training.

Fashant asked if the change order for the Well Head Treatment Plant includes remobilizing charges. Farrell stated that the charge is for the electrical subcontractor.

Fisher stated that the numbers don't add up for him, and he asked what the reserves are. Farrell stated that he believes there is \$150,000 left in reserve.

Doud stated that there is \$148,900 left in contingency dollars.

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

OPEN FORUM:

Keith Grover of 11320 Fernbrook Lane came forward and stated that there was another traffic accident at 113th Avenue and Fernbrook Lane this morning. A garbage truck going to the commercial golf course was making a left turn and the second vehicle behind the garbage slammed into the first vehicle behind the garbage truck.

Grover is also concerned about the intersection at Rush Creek Parkway and Fernbrook Lane. Besides the design of the intersection, one of the things that makes it dangerous is the fact that there are no markings on the three lanes that indicate which lane goes straight, which turns left, and which turns right.

Grover is also concerned about the speed and the traffic load on Fernbrook Lane. There are 61 driveways and side streets within about a two-mile stretch. Most of the road is marked with double lines (no passing). Grover stated that he's seen so many close calls, and he'd like to know if anything can be done to make it safer.

STAFF, CONSULTANT, AND COUNCIL UPDATES:

Doud stated that City Day on the Hill is next Thursday. Councilmember Fashant will be attending that event. If anyone else would like to join, please let Doud know. Salonek volunteered.

Doud stated the Water Treatment Plant is slated to begin in April. The completion is slated for January of 2026.

Farrell stated that Well 4 rehab is in place. An additional 25 feet of pipe is needed. Grouting will be occurring Wednesday and Thursday of this week. The grout will take two weeks to cure. Well 4 should be online by the end of March at the latest.

Hendrickson stated that Doud will be sending out some information from Echo Data this Friday. Echo Data is our third-party contractor that the City utilizes for data analytics for calls and response times. Hendrickson has the dashboard set up for the Council to view and he would like feedback from the Council about what other data they would like to see.

PRESENTATIONS

E. Hennepin County Commissioner, Kevin Anderson

Kevin Anderson has served District 7 since 2021. Anderson stated that last year's update was largely focused on ways in which the County provided services to the County residents. This year's update will focus on opportunities that Hennepin County can partner with Dayton.

The Public Works Projects completed in 2024 included: 1) Overlay on 129th Avenue North and French Lake Road; 2) Overlay on Dayton Road; 3) Pedestrian Ramp Upgrades on Dayton River Road; 4) Traffic Signal Upgrade on Dayton Parkway and County Road 81.

In 2025 the Public Works Project scheduled Pavement Rehabilitation on Brockton Lane. It has since been rescheduled to happen in 2027.

Anderson stated that he appreciates the residents addressing their safety concerns. All of those concerns are reported to Staff, who evaluate the concerns and try to make sure that safety improvements are implemented into the County's operational plans.

Anderson specified there are 2,200 lane miles of roadway in Hennepin County. Monitoring each and every one of those lane miles across 45 cities can be a bit much, which makes the partnerships between cities and the County very important.

Anderson stated that a big way the County partners with cities is through housing. The County makes a big investment in "affordable housing." One of the ways the County does this is to provide grants.

Anderson stated that approximately one-third of the residents are cost-burdened households, which means over 30% of their income is going towards their housing. The more that is done to assist with housing, the greater impact on total wellbeing.

In addition to housing grants the County also offers a number of other resources such as: 1) Good Steward Grants; 2) Opportunity Grants; 3) Site Cleanup & Assessment Funds; 4) Healthy Tree Canopy Grants; 5) Aquatic Invasive Species Prevention Grants; and 6) Organics & Multifamily Waste Reduction Supplementary Funding.

Anderson stated that the County has taken on the assessment cost for the cities within Hennepin County.

Fashant asked if the County plans to continue. The answer is yes.

Fisher asked about the County's Long-Term Plan. Anderson stated that it is possible to get some projects in within the Long-Term-Plan, which is five years in duration. The sooner Dayton can share its goals with the County, the easier it is for the County to work alongside the City.

Fisher voiced his concern for the traffic associated with the Rush Creek Parkway.

Anderson stated that the County's lack of land use decisions makes it especially difficult for the County. The County is quite literally the recipient of the decisions regarding the types of development that the cities select.

F. Care Resource Connections, Amy Lucht

Amy Lucht stated that part of the training she does with the Fire Department includes the following information: 1) Response Fatigue is the number one issue for crews with repeat 911 calls; 2) Now is the time to create a Community Risk Reduction Plan to address this need; 3) All fire fighters want to help and it sometimes feels like no one is listening to them as they try to get help for community members; 4) Our communities are aging and by 2030 there will be more 65-year-olds and older people living that people to care for them; 5) The types of 911 calls will become more complex; and 6) Care Resource Connections can provide the tools to help reduce repeat 911 calls.

Lucht provided numerous examples of dispatch reasons for 911 calls, noting numerous people only have access to healthcare through 911 calls.

Lucht stated that there will soon be new OSHA requirements for cities with EMS and Fire to have a Community Risk Reduction Plan.

Lucht gave the following breakdown of the Dayton EMS dispatch reasons: 1) Pain 11.9%; 2) Breathing Problems 11%; 3) Heart 10.7%; 4) Fall 9.8%; 5) Illness 9.8%; 6) Lift Assist 7.3%; 7) Unconscious 6.4%; 8) Dizzy/Faint 5.5%; 9) Bleeding 4.3%; 10) Seizure 3.7%; 11) CPR Needed 3.4%; and 12) Head Injury 3.1%.

Henderson asked when the pilot program began last year. Lucht stated that the contract was signed in July of 2024.

Henderson asked for further clarification on the repeat calls that could have been referrals. Lucht explained and stated that they are averaging two to three referrals per week right now.

Hendrickson stated that roughly 80% of the calls the Fire Department receives are medical related. Last year, 24 addresses accounted for 111 calls. The assistance of Care Resources has reduced the calls the Fire Department receives by a fair amount.

Additional discussion ensued.

The conversation shifted to the budget and how Care Resources is helping with the reduction in call volume for the Fire Department.

G. Three Rivers Park District – West Mississippi Regional Trail, Kelly Grissman

Jennifer DeJournett came forward and stated that she is a Three Rivers Park District Commissioner and wants to maintain her partnership with the City.

Kelly Grissman came forward and introduced herself as the Director of Planning with Three Rivers Park District. The purpose of the presentation is to update the City Council on the work that Three Rivers Park District is doing on the west Mississippi River.

Grissman stated that there are four different regional trails that are planned within the City of Dayton: 1) West Mississippi River Regional Trail; 2) Diamond Lake Regional Trail; 3) Medicine Lake Regional Trail; and 4) Rush Creek Regional Trail. Grissman stated that the goal is to provide a high-quality destination multiuse trail that provides the best user experience reasonably feasible.

Grissman added acquisition of property for Three Rivers Park District is ongoing. Only willing sellers are used for this purpose, and there is no possible way to predict when or where a piece of property will become available.

Grissman shared the Three Rivers Park District priorities.

Additional discussion ensued.

Grissman stated that many of the homes have been removed from the parcels that have already been acquired.

Fashant disclosed that he lives in the area where the land is being purchased by Three Rivers Park District. The messaging is faulty in that the residents are not under the impression that only willing sellers are being approached.

Fashant stated that the language in the Resolution is not accurate. Fashant stated that it has never been discussed at the City Council level as to whether the City Council is willing to sacrifice an entire neighborhood for the sake of a bike trail. Fashant asked where the City Council is in the planning role. He acknowledged that there are yearly updates, but certainly no partnership.

Grissman reminded of the amended cooperative agreement already in place with the City. Grissman stated that one of the reasons she is present at the meeting is to work with the City of Dayton as a partnership.

The conversation shifted from neighborhood dynamics to whether the houses should be destroyed prior to strong plans. Grissman added some of the acquisition money comes from Met Council with stipulations on what the land is used for.

Crystal Fashant of 16860 Dayton River Road came forward and stated that she reached out to the Three Rivers Park Commissioner twice and never received a response. The one thing that Fashant asked for was a community meeting, so the neighbors could all be under the exact same understanding.

Fashant stated that it is very difficult to sit in the audience and to listen to your home and everything that has been poured into it be referred to as a parcel. Fashant stated that she is very disappointed that there is no community meeting being discussed, and she reiterated her desire to please have a community meeting for her neighbors.

Action Items

H. Resolution 13-2025; Support for Land Acquisition by Three Rivers Park District, 17020 Dayton River Road

Doud stated that the presentation from Three Rivers Park District should have addressed any potential questions.

Van Asten asked where the 2016 Resolution can be found. Fashant passed a copy of it to Van Asten, because he requested a copy of it prior to the meeting.

Henderson asked if a discussion can be had, noting that the 2016 Resolution was passed a long time ago. Henderson asked if the Council provides an Open House for the residents who will be impacted.

Fisher stated that Staff can coordinate something with Three Rivers Park District and put it on the agenda.

Henderson stated that by putting it on a City Council Meeting Agenda, it would allow for the residents to have some input.

Doud stated that Staff is happy to set up a meeting.

Van Asten stated that the Parks Commission should be present at the meeting as well.

Henderson asked how the residents would be notified of the meeting.

Doud stated that a Public Hearing Notice could be sent out to the residents. There would be no action taken at the Work Session, because that is not allowed, but the action item could take place during the Council Meeting that would follow the Work Session. Another alternative could be that the City Council could hold a Special Meeting with a Public Hearing included.

Fashant stated that the City Council also needs to have a discussion as to what the Council sees as the future of the stretch being proposed by Three Rivers Park District. Fashant stated that the Council needs to decide if the Council is okay with all of those homes disappearing at some point.

Fashant stated that he believes the vision from Three Rivers Park District has changed from a trail along the road to a trail that leads to the river. Fashant stated that the Council has not had a discussion about the impact of the City losing the revenue from those houses. Fashant stated that Van Asten's point about affordable houses being lost is valid. The homes being impacted are not mansions. They are fairly affordable houses in Dayton.

Van Asten stated that she's okay with saying yes to this Resolution, because the seller is clearly willing. However, Van Asten is not okay with anything else until an open discussion is provided for the residents.

Fisher and Fashant both agreed with Van Asten.

Henderson also agreed.

MOTION: Motion was made by Councilmember Van Asten, seconded by Councilmember Fashant, to approve Resolution 13-2025; Support for Land Acquisition by Three Rivers Park District, 17020 Dayton River Road as presented. The motion carries unanimously.

COUNCIL BUSINESS

New Business:

I. DCM Farms Revised Site Plan

Sevald came forward and stated that this is an informal review or a progress report for DCM Farms. Sevald stated that the Planning Commission has tabled the project by continuing the Public Hearing from their February Meeting until the March 6, 2025, Meeting. In the meantime, the City Council cannot take action on the DCM Project until the Planning Commission provides a recommendation.

Sevald provided a Revised Plan from DCM Farms to the City Council. He projected the Plan that was provided on January 7, 2025, and the Plan that was provided on February 21, 2025.

Sevald stated that the Developer incorporated the requests that the Planning Commission suggested, and in doing so, the Developer has reduced the number of "skinny lots."

Sevald stated that the number of 40-foot lots have been reduced from 123 lots to 68 lots. Salonek corrected Sevald. There were 103 40-foot lots, not 123. Sevald

stated that the side yards were changed. The five-foot setbacks in the January plan. That has now been increased to 7.5-foot setbacks. Sevald stated that the total number of lots has been reduced from 266 lots to 253 lots.

Sevald stated that a cul-de-sac has been changed to a through street, which eliminates an intersection. Sevald stated that a street has been widened to comply with the public road standards.

Sevald stated that he'd like the Council to discuss the DCM Farm proposal and offer any suggestions.

Doud reminded the Council that no action can be taken at this time.

Additional discussion ensued.

Salonek asked for the requirements for regular road frontage. Sevald stated that the project is being done under a PUD. For the R-3 District the requirement is 62-foot-wide. The R-3 Districts allows for 30% of the lots to be less, and it is measured at the setback.

Fisher asked what the average is in the DCM Farms project. Salonek stated that the average is 54-feet for the entire DCM Farms development.

Fisher invited the developer to come forward.

Tom Dehn of 11261 Fernbrook Lane came forward and stated that he added 16 65-foot-wide lots to the project.

Dehn stated that he had an engineer run all the setbacks and the 153 lots average 60.3 feet per lot. Salonek stated that his math was based on the right-of-way frontage.

Salonek stated that his struggle is based on the 7.5-foot setbacks. Quite some time ago the City moved to 10-foot setbacks. The entire development is under the 62-foot-wide setback requirements. Salonek stated that the 40-foot lots really hurt the entire development.

Dehn stated that his goal is to provide a different type of housing product for the City.

Van Asten likes the options throughout the development.

Salonek stated that he is not opposed to taking the three-acre park and using it for lot widths.

Fisher stated that he was of the impression that the three-acre park had already been fully discussed.

Additional discussion ensued.

Fashant is concerned about how the roundabout works with the last existing house on Fernbrook Lane.

Additional discussion ensued.

Fashant does not agree with eliminating the park, but he does like the variety of housing types. Fashant stated that the new version of the plan is much better than the previous version.

Fisher asked what the pavement width requirements are for this development. Quisberg stated that residential pavement width requires 32 feet.

Fisher stated he has heard that a lot of cities are trying to reduce that because it helps with speed, and there is less maintenance in addition to a cost reduction in the actual pavement.

Quisberg stated that it really depends on the actual development. When there is a reliance on on-street parking, reducing the pavement width really isn't helpful.

Van Asten reminded the Council that snow removal must also be factored into the plan.

Discussion ensued.

Van Asten asked if the commercial area could be used for either a senior-care facility or senior-housing units to boost the density.

Additional discussion ensued.

J. Approval of Terms Sheet, The Parkway Neighborhood

Doud stated that Jason Aarsvold of Ehlers is in attendance.

Aarsvold came forward and gave a brief history of the situation with the Parkway Neighborhood project. The developer has indicated that the City fee forgiveness is not enough for the project to achieve financial feasibility. In December, the City Council asked for a review of alternatives, but expressed some specific concerns, including: 1) The City has no interest in providing any additional funding up-front for the project; and 2) The City is unwilling to use all the future taxes to assist the

project, leaving nothing for the City to cover the increased service demands. In January, the City Council directed Staff to negotiate limited PAYGO tax abatement to supplement Fee waivers, subject to additional detailed analysis.

Aarsvold stated that the project costs, expenses, and financing of the project meet the industry standards. The projected rents are consistent with the rents for other projects in the market. If the project absorbs all the costs of the new roadway, then the developer's return on investment is below market expectations.

Based on the calculations of Aarsvold, some assistance from the City is warranted for this project. It will take about nine years to repay the \$1.9 million.

According to Aarsvold's Term Sheet Outline, the developer (WME Real Estate Holdings) would construct 452 units of rental housing in three phases. The developer would pay for and construct all necessary infrastructure, consistent with the City's Development Agreement. The City would provide \$1.9 million in PAYGO tax abatement. The City would waive fees for Phases one and two, totaling \$3.48 million. The developer would cover City costs related to abatement transactions. Any future agreement will include a look back provision, which provides the City with the ability to be made whole if the estimates were inaccurate.

Aarsvold stated that the next steps are: 1) Draft the formal tax abatement agreement between the City and the developer; and 2) At a subsequent meeting, the City would hold the required Public Hearing and consider approval of the final tax abatement agreement.

Van Asten asked if the City has considered building the road and not providing the tax abatement.

Quisberg stated that it would not cost any less for the City to build the road because the standards would not be different.

Doud stated that the question is centered on the amount of risk that the City is willing to take. It could potentially be a road to nowhere.

Action Items:

K. Resolution 12-2025; Conditional Use Permit for Exceeding Maximum Impervious Surface

Stensgard came forward and stated that this Conditional Use Permit is related to an accessory structure.

MOTION: Motion was made by Councilmember Salonek, seconded by Councilmember Van Asten to approve Resolution 12-2025; Conditional Use Permit for Exceeding Maximum Impervious Surface. Motion carries unanimously.

L. Award Contract for Elsie Stephens Master Plan

Farrell came forward to request that the Council select from the two finalists that the Parks Commission sent to the Council.

Van Asten asked for clarification between the first and second picks for the plan.

Dave Pikal, Chair of the Parks Commission, 13161 Zanzibar Lane, was invited forward.

Pikal was asked to explain why the Parks Commission selected their number one pick. Pikal stated that the City is already partnering with their number one pick.

Fashant stated that there was a substantial difference in fees between the top two picks. Fashant asked if there were additional services that justify the difference in cost.

Pikal stated that the Parks Commission didn't focus on fees because it wasn't an apples-to-apples measurement.

Salonek explained that the less expensive estimate didn't have the engineering costs included. Salonek stated that the cheaper firm had a ten-week turnaround on designing this park. Salonek went on to say that he feels like the City is dragging its feet on the park and it is driving him crazy.

The Council decided to provide three minutes for each proposal to sell their plan.

MSA came forward to present.

The second group, Damon Farber, had abandoned their connection.

MOTION: Motion was made by Councilmember Fashant, seconded by Councilmember Van Asten, to accept the MSA Proposal for Elsie Stephens Master Plan. The motion carries unanimously.

M. Approval to Go Out for Bid 2024 Park Improvement Plan

Farrell came forward and stated that Paul Kangas recently presented the 90% Park Plans to the City Council. The 95% Park Plans were included in packet.

Paul Kangas, 18601 152nd Ave N, came forward and stated that he's requesting permission to advertise for bid the improvements for Elsie Stephens Park, Area 21 Park, and lone Gardens. The hope is to put these out to bid on Monday or as soon as possible and have them ready for the Council's approval at your first April Meeting.

Salonek stated that the plans are very hard to follow. The concrete is listed at \$18 per square foot is 2.5 times what Salonek was able to get quoted with a five minute telephone conversation.

Kangas stated that Salonek is welcome to have those contractors put in a formal bid.

Additional discussion ensued.

Fisher expressed his frustration on past park items spent on.

Kangas stated that in addition to the rising costs of construction, the City is now including irrigation and parking in the parks that were not previously priced out.

MOTION: Motion was made by Councilmember Salonek, seconded by Councilmember Fashant, to approve going out for bid on the 2024 Park Improvement Plan. The motion carries unanimously.

N. Approval of Ordinance 2025-04; Amending Parking Regulations

Stensgard came forward and stated that the Planning Commission unanimously recommended denial of this Ordinance. Stensgard stated that this Ordinance is based on a complaint filed by a neighbor who complained that a resident had three recreational vehicles parked in his back yard.

Fisher stated that the Ordinance states the need for concrete, but there are a lot of bricked driveways in the City, but it is not allowed.

Additional discussion ensued.

Van Asten stated that the complaints have nothing to do with the type of surface that the vehicles are parked on and everything to do with the fact that the vehicles are an eyesore to their neighbors. Van Asten stated that the larger issue is screening.

Fashant agreed with Van Asten. Fashant further stated that a particular number of recreational vehicles needs to be determined.

Additional discussion ensued.

Salonek is not especially bothered by people wanting to keep their personal recreational vehicles on their personal property, and he stated that he has no idea how the City can enforce something when they have their own personal junk yard right down the road (the old Public Works Building).

Additional discussion ensued.

There was consensus that for people who have less than a half-acre lot, they can have two recreational vehicles on their property. One can be parked on the side and one can be parked in the back, or both can be parked in the back. If the lot size is greater than a half-acre, there can be one recreational vehicle parked on the side and there is no limit to the number of recreational vehicles parked in the back. There is no regulation regarding the type of surface that the recreational vehicle is to be parked on.

Doud asked for clarification as to whether there should be a “neat and orderly” clause regarding the way the recreational vehicles are parked. Stensgard stated that licensed and operational are the current standards.

Stensgard reminded the Council that the only way to view a resident’s back yard is with their permission. If they do not give permission, the City cannot access their back yard.

Additional discussion ensued.

Fashant stated that people ought to screen stuff in their yard, but he doesn’t believe it should be legislated.

Stensgard asked if the limitations should be placed on the front yards only.

Additional discussion ensued.

Sevald asked if there is consensus to prohibit recreational vehicles in the front yard. The answer is no.

Stensgard asked if the Council would entertain a limit to recreational vehicles in the front yard. Salonek stated that one recreational vehicle on the side yard, and one in the back yard is good enough.

Henderson asked for clarification for the meaning of “front yard.” The “front yard” includes driveway space and actual yard space.

Stensgard read the current language in the Code, and it includes the following wording: “Vehicles, recreational vehicles, and trailers shall be permitted in front and side yards on a driveway or parking pad constructed of concrete or bituminous material.”

Additional discussion ensued.

Fisher suggested that the parking surface be removed from the Ordinance and make no other changes. Sevald stated that he believes there will be push back from the community.

Fisher asked who would push back.

Sevald stated that anyone purchasing a \$700,000 home would not want a parking lot next to them.

Benting stated that by implementing this language into the Ordinance, there is simply nothing that a resident can raise as a complaint.

Additional discussion ensued.

Van Asten suggested tabling the matter and consider the goals that need to be accomplished.

MOTION: Motion was made by Councilmember Fashant, seconded by Mayor Fisher, to amend the language of Ordinance 2025-04; Amending Parking Regulations to not require a specific type of surface that properly licensed and operable recreational vehicles should be parked on. Two ayes (Fisher and Fashant), three nays (Salonek, Van Asten, and Henderson). The motion failed.

O. Approval of Ordinance 2025-05; Amending Signage

Salonek stated that this topic was discussed six months ago, and Salonek suggested that one sign in each direction (north, south, east, and west) and two signs on any intersection. If the Council scratches the whole deal and leave it as no signs in the right-of-way, we will return to the same discussion that we've had before.

Fisher stated that the Ordinance says no signs in the road.

Van Asten stated that if the Council does nothing, then we are left with no signs in the road.

Fisher stated that Council chose to stop enforcing the Ordinance.

Stensgard stated that the Planning Commission recommended that the prohibition of signs in the right-of-way be stricken from the Ordinance altogether.

Salonek stated that if the City is not going to enforce it, he's fine with leaving it the way it is.

Van Asten asked if the City would be liable if there were a car accident caused from not being able to see due to the signs in the right-of-way. Schmidt stated that the City would not be liable. Schmidt stated that it is a poor practice to have an Ordinance on the books and choose not to enforce it. It opens the future opportunity of selective enforcement.

Van Asten asked if there is any language in the Ordinance regarding nuisance signs.

Additional discussion ensued.

MOTION: Motion was made by Councilmember Van Asten, seconded by Councilmember Salonek, to approve Ordinance 2025-05; Amending Signage as recommended by the Planning Commission. The motion carries unanimously.

P. Goals and Strategic Plan Continued Discussion

MOTION: Motion was made by Councilmember Salonek, seconded by Councilmember Fashant, to table Item P. The motion carries unanimously.

ADJOURNMENT

Fisher declared the meeting adjourned at 10:35 p.m.

Respectfully Submitted,

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

Approved: _____

Attest: Amy Benting

Mayor Fisher called the work session meeting to order at 5:00 p.m.

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

ABSENT:

ALSO PRESENT: City Engineer, Jason Quisberg; Fire Chief Gary Hendrickson; Police Chief, Paul Enga; City Administrator/Finance Director, Zach Doud; Associate Planner II, Hayden Stensgard; Assistant City Administrator/City Clerk, Amy Benting

THREAT ASSESSMENT WORK SESSION

Robert Pullar came forward to give a presentation for Threat Assessment and de-escalation. Pullar is a patrol officer, active shooter instructor, firearms instructor, field training officer, and SWAT operator. Pullar stated that active shooter incidents are becoming more frequent. Everyone can help prevent and prepare for potential active shooter situations. An active shooter is an individual killing or attempting to kill people in a confined and populated area. Typically, there is no pattern in the selection of victims in an active shooter incident.

Pullar stated that there are three different options as responses to an active shooter incident. The first option is to get out. To get out quickly, one must know the exit options. A window might be your only option. Like a fire, get out of the building as fast as possible. The Columbine High School was the case study used to explain what NOT to do. At that time, shelter in place was the only protocol known. We know better now.

Pullar stated that the second option is to actively barricade. If you are unable to get out of the building, you need to make it very difficult for the active shooter to gain access to you. Find a place that has lots of cover, not concealment. Cover will prevent a bullet from hitting you, and concealment will prevent you from being seen. Barricade doors using large objects. Know what kind of wall/door you are behind. The Virginia Tech case was used to show the importance of barricading.

Pullar stated that the third option is to act with aggression. You cannot hesitate. Use improvised weapons. Know the risk. Pullar explained the OODA Loop. It is the process that our brain goes through anytime we perform an action. Observe, Orient, Decide, and Act. The goal is to disrupt the shooter's OODA Loop. Pullar gave an example of Flight 93 to show the importance of bravery. Pullar explained practice does not make perfect, but it will make you proficient. We are creatures of habit and how we react to things can come from past experience or memory. If you have never thought about how you would react to a threat, it will take more time for your brain to process how to respond. Your body will not go where your mind has not been.

Pullar described how he and his family are always "practicing" awareness in their everyday lives. Pullar stated that the ideology profile for an active shooter includes the

following: 1) 73% White; 2) 100% Male; 3) 73% in their 40's; 4) 73% Suicidal; and 5) 73% Violent Criminal History.

Pullar showed a video of the New Hope City Council shooting in 2015 and asked the participants to focus on their actions. Attention was drawn to the mistake of the Councilmembers freezing rather than acting. Pullar shared the background of the shooter, which fit the profile exactly. Pullar also shared a news clip about the Allina Health Clinic shooting, then went through his profile and made the connections that are clear in hindsight.

Pullar stated that consideration must be given to the way in which humans react to fear. There are two different types of fear: 1) Real Fear; and 2) Unwarranted Fear. Unwarranted fear is fear with no real reason. Real fear is something that is happening in front of you, and it can take away a lot of your senses, including your fine motor skills. Pullar gave specific examples. Pullar stated that women have much better intuition.

Van Asten stated that women have been participating in threat assessments their entire lives. Women have to be aware in a way that simply doesn't impact men. Pullar stated that women also do a better job of listening to their intuition. Men rely more on reason.

Pullar gave the following list of body language indicators: 1) Hands Raising; 2) Patting (touching a weapon); 3) Puffing Out Chest; 4) Thousand-Yard Stare; and 5) Making a Fist. Pullar stated that nonverbal communications speak louder than verbal communications. Pullar showed a humorous video on de-escalation. Pullar stated that people are not always looking for someone to fix their problem. They are just looking for someone to listen to them.

Pullar stated that prior to attempting to de-escalating a situation, one must make sure that they themselves are de-escalated before making contact. A way to do that is by controlling your breathing. Pullar explained the process of box breathing: 1) Breathe in for four seconds; 2) Hold the breath for four seconds; 3) Breathe out for four seconds; and 4) Repeat until you feel calm. Pullar stated that it is important to make sure that one is thinking rationally before attempting to de-escalate someone else.

Pullar shared a graphic to explain the Behavioral Change Stair Model. The stairs are as follows: 1) Active Listening; 2) Empathy; 3) Rapport; 4) Influence; and 5) Behavioral Change. The first two stairs take the longest amount of time. Pullar shared the steps for active listening: 1) Paraphrasing; 2) Emotional Labeling; 3) Minimal Encouragers; 4) Effective Pauses; 5) "I" Messages; and 6) Open-Ended Questions. It isn't necessary to engage in all six steps, using some of them are key to active listening.

Pullar stated that the things to avoid saying in a de-escalation are: 1) Calm down; 2) I understand; 3) Come over here; 4) That's none of your business; and 5) What do you want me to do about it. Pullar stated that a healthy alternative to the words, "calm down"

is, "I cannot understand you when you are yelling at me." Pullar went on to state that word choice is key, because everyone wants options.

Pullar projected photos of the space that City Council meets in and stated that the doorbell is an awesome thing that Dayton has in place. Benting stated that it is turned off during City Council Meetings. Pullar suggested it would be better to keep the doorbell activated. Pullar gave numerous suggestions for ways to practice so that everyone is prepared.

Fisher asked if the schools are teaching students to get out of the building when there is an active shooter. Pullar stated that the schools are beginning to shift towards the "get out" method. The bigger cities are resistant because of the concern for accounting for all of the students.

Van Asten brought up the example of a shooting in which the shooter pulled the fire alarm and stationed himself to shoot the students as they were exiting the building. Pullar explained that while this incident did occur, the statistics work in favor of quickly exiting the building.

Salonek asked how often an individual in the crowd carries a weapon; because in most instances, if someone in the area has a weapon, the situation ends much quicker. Pullar explained that he is a tremendous advocate for trained citizens to carry legal firearms, but Pullar also stated that the person carrying a weapon needs to be at peace with the possibility of having to take another human being's life. Pullar gave several examples of things going terribly wrong.

Additional discussion ensued.

Van Asten stated that she had to endure this sort of training several times as an educator for her part-time job, and this was by far the best one.

ADJOURNMENT

Fisher declared the meeting adjourned at 6:14 p.m.

Respectfully Submitted,

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

Approved: _____

Attest: Amy Benting

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: City Engineer, Jason Quisberg; Fire Chief, Gary Hendrickson; Police Chief, Paul Enga; City Administrator/Finance Director, Zach Doud; Assistant City Administrator/City Clerk, Amy Benting; Planner II, Hayden Stensgard

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Fashant requested to pull out Item E from the Consent Agenda. Van Asten concurred.

MOTION: Motion was made by Councilmember Salonek, seconded by Councilmember Fashant to approve the agenda items, as amended. Motion carries unanimously.

CONSENT ITEMS:

- A. Approval of Payment of Claims for March 11, 2025
- B. Approval to Accept Firefighter Gavin Eicher Resignation
- C. Approval of Letter of Credit Reduction for Streets and Utility Improvements for Riverwalk 3rd
- D. Approval of Pay Request 7 for the Wellhouse 5 Project
- E. Approve Resolution 14-2025; Finding no Need for an Environmental Impact Statement (EIS) for the DCM Farms Environmental Assessment Worksheet (EAW) (This Item will be considered after Item I)
- F. Approval of Resolution 15-2025; Support of Magnus Veterans Foundation Receiving Funding for Capital Improvements
- G. Approval of Resolution 16-2025; Final Plat and Development Agreement for Riverwalk 4th Addition
- H. Approval of Dust Control Contract for 2025
- I. Approval of Street Sweeping Contract for 2025

Van Asten expressed concern about Magnus Veterans Foundation's capital improvements. Benting stated that the way their gym is currently only allows for use during the summer. The general facility will stay the same with some improvements and/or upgrades to make the space user-friendly year-round.

Fashant asked if the \$10,500 charge from Ehlers in the Payment of Claims is related to the Parkway Neighborhood. Doud stated that it was paid for by the developer through escrow.

Fashant questioned the bids on the dust control. Farrell was not present, and Doud could not answer the question.

Additional discussion ensued.

Van Asten asked about some procedural issues and if environmentally friendly options can be considered for future projects.

Quisberg stated that with new development, the City doesn't know where driveways will be placed, so surmountable curbs are used. Biodegradable erosion control is not necessarily required 100% of the time, but it is the most often used product.

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

E. Approve Resolution 14-2025; Finding no Need for an Environmental Impact Statement (EIS) for the DCM Farms Environmental Assessment Worksheet (EAW)

This item was pulled from the Consent Agenda for the purpose of additional discussion.

Fashant stated that page 93 of the document notes the private wells that are in the area. Fashant stated that he was surprised by the depth of some of them. Fashant asked Quisberg if 79-80 feet deep wells are considered shallow or deep.

Quisberg stated that the answer is very subjective and, in his opinion, they are shallow.

Additional discussion ensued.

Van Asten stated that on page 41 of the document, it is frustrating to her the number of times it states they will consider things. Van Asten wants the language to be more specific, and she wants to know that there will be follow-up.

Quisberg stated that the document in question is a guiding document, and it is not intended to set obligations. Quisberg also noted that the responses are the City's responses, not the developer's responses. The actual agreement is the document that places obligations on the developer.

Fisher suggested that Van Asten speak with Staff about things she'd like to include prior to the agreement being presented at a City Council meeting.

Salonek brought up the fact that the current document refers to 267 single-family residential homes and the actual number is 253 single-family residential homes.

Fashant stated that on page 138, there is discussion about different types of farmland classifications. Fashant wanted a definition of "farmland of State-wide importance." Quisberg stated that he'd seek the answer and forward it to Fashant.

Fisher asked Quisberg to explain what an EIS provides. Quisberg stated that it is a very intense study. They encompass a lot more research and investigation.

MOTION: Motion was made by Councilmember Fashant, seconded by Councilmember Van Asten, to approve the Resolution 14-2025; Finding no need for an Environmental Impact Statement (EIS) for the DCM Farms Environmental Assessment Worksheet (EAW). The motion carries unanimously.

OPEN FORUM:

Marcia Grover of 11320 Fernbrook Lane came forward and stated that Fashant was passionate about something that was happening in his neighborhood, and Grover wishes the Councilmembers had equal passion for all the neighborhoods in Dayton.

Grover is concerned about absentee owners, and she wants to know what the City's policy about absentee owners is. Grover stated that she is concerned because people who rent really have no investment in the City or the neighborhood. Grover also wants to know if there are any regulations about vacation rentals in the City.

Keith Grover of 11320 Fernbrook Lane came forward and stated that he doesn't understand why the City is always bending the rules for people who don't live in the City. Grover raised concern about the traffic patterns on Rush Creek Parkway. Grover stated that his son-in-law raised concerns about the need for proper markings last fall and he brought it up last summer. Grover doesn't understand why it is taking so long.

Grover is irritated by what was discussed at the last Planning Commission meeting. They discussed routing all the traffic from the new area of development onto 113th Avenue North to access 121. That's an intersection that has no turn lanes, no markings, and a stop sign less than 20% of the people stop for. Grover stated that his well is about 65 feet deep. If a holding pond is built across the street from my house, he has great concern.

STAFF, CONSULTANT, AND COUNCIL UPDATES:

Doud stated that he and Fisher went to the Capitol last Tuesday to speak in front of the House Capital Investment Committee about two water projects. The total ask was about \$8 million.

Doud stated that City on the Hill was last Thursday. Councilmembers Salonek and Fashant accompanied Doud to meet with Representative Nadeau and Senator Hoffman. There was lots of good information from the meeting.

Doud stated that during the Work Session on February 25th, the Council gave direction to have one person from the City Council join the negotiating team. No one was selected during that meeting. Staff would like the Council to discuss who you would like to be on that negotiating team.

Salonek volunteered, and everyone concurred.

Benting stated that the City Open House will be Wednesday, May 14, 2025, from 5:00 p.m. until 7:00 p.m. Elizabeth is wondering if the Council would like a table, or would the Council rather be free to walk around freely. Additionally, she would like to know if the Council needs any materials to be printed for the event. The Open House will be held in the Public Works Building.

Benting stated that she and Kelly have been investigating the possibility of having AI assist with the minutes. The City of Buffalo has recommended a company to help. One thing to keep in mind is that we are doing a test with this company to see what it looks like. The company learns your voice, so it will be really important to speak clearly into the microphones during the meetings and avoid speaking over each other. It will also be helpful to repeat motions and who said what.

Fisher stated there is a city that is already using an AI tool to summarize minutes, but he couldn't remember which city it was. Benting stated that the service Dayton currently uses does not use AI.

Quisberg stated that there was a kick-off meeting with Hennepin County and the consultant that is completing the Corridor Study for River Road. The overall schedule is looking at a completion date in September. During the process, there will be some public engagement that includes some neighborhood pop-up meetings as well as two larger full meetings. The first meeting will likely be sometime in mid-April. There will be additional information to come on this topic.

Van Asten stated that at her first meeting in January, she brought up the need for a Lighting Ordinance, and she'd like to know where that is in the process of moving forward. Doud stated that it would be in April or May, depending on when Staff is able to get it out.

Van Asten stated that at the last meeting, the Three Rivers Park District land sale request was agreed to with the caveat that additional conversation needed to happen prior to any additional sales. Van Asten believes it is important to have something formal to present to the Three Rivers Park District. The formal document needs to be distributed to the property owners along the River because there are people already in discussions regarding the sale of their property. Van Asten believes this should happen sooner rather than later.

Fisher concurred and stated that the City Council owes it to the landowners to tell them not to make plans until the Council gets everything worked out.

Fashant stated that the Council needs to decide what the City's interest is.

Additional discussion ensued.

Van Asten stated that at the last meeting, the storage of recreational vehicles in back yards and side yards was voted down. Van Asten stated that she heard after-the-fact that it was a waste of time. It is Van Asten's opinion that it was a really long meeting, and that the issue should not be considered settled because what was voted on didn't actually address the underlying issue. There is an issue about junky yards when recreational vehicles are parked in the front and side yards of a home.

Fashant agreed with Van Asten.

Van Asten asked if the City has had the Smart Salting Training. The answer is yes.

Van Asten asked what is happening with the Fernbrook and Rush Creek intersection. Doud stated that the City can pressure the County. Quisberg stated that having residents reach out to the County is effective.

Salonek shared that Senator John Hoffman stated the easiest things to get funding for are roads and water.

Van Asten asked about having some sort of rental policy.

COUNCIL BUSINESS

Action Items:

J. Approve Plans and Specifications and Authorize the Advertisement for Bids for the South Diamond Lake Road Improvement Project

Quisberg came forward and gave the background on the project. The Pavement Management Plan (PMP) identifies South Diamond Lake Road to receive overlay treatment in 2024 and 2025. For efficiency within the project, some shifting did occur. Milling is to also be included to facilitate access tie-ins and limit shouldering. The project is about five miles of road. There is a segment in Rogers to be included. The City of Rogers is responsible for the project costs within the City limits of Rogers. The City of Champlin declined improvements for the segment in Champlin. Miscellaneous pavement marking added to the project, due to efficiency: 1) Pioneer Parkway Crosswalks; and 2) Territorial Commons and Rush Creek Parkway turn lane lines and markings.

Additional discussion ensued.

Quisberg stated that the School District is chasing some "Safe Routes to School" money to provide some more permanent crosswalk enhancements in front of the school. A pedestrian refuge is being considered, which is a raised concrete median in the middle of the roadway.

Quisberg stated that the timing is up in the air at this time. The School District is hoping to hear in early April if the funding is granted. The goal is to work with the City to get the widening done.

Quisberg stated that when the culverts were inspected along the roadway, prior to the project, one was found to be in poor condition. Structurally, it seems to be fine, but it should be repaired. The repair work is not necessarily urgent, but it should be a priority.

Additional discussion ensued.

Quisberg gave the following estimated project costs: 1) Total Construction Cost \$1,332,000; 2) Engineering Cost \$58,000; 3) Other Indirect Costs \$40,000; 4) Total Project Cost \$1,430,000; 5) Additional Pavement Markings -\$16,000; 6) Estimated Rogers Costs -\$68,000; and Dayton South Diamond Lake Road Cost \$1,378,000. Quisberg stated that there will be a Change Order because the engineering cost was calculated without the use of State Aid Funds, which adds a lot of additional effort. Quisberg stated that the plan is to use 100% State Aid Funds to fund the project. A letter of approval has been received for the advance. The current balance is around \$480,000.

Quisberg shared the following schedule of events with the Council: 1) Approve Plans/Authorize Bids March 11, 2025; 2) Open Contract Bids April 8, 2025; 3) Review Bids/Award Contract April 25, 2025; 4) Start Construction July 7, 2025; 5) Substantial Completion August 15, 2025; and 6) Final Completion September 15, 2025.

Quisberg stated that he recommends approval of the plans as prepared, authorize solicitation for contractor bids, continue to coordinate with Dayton Elementary regarding crosswalk enhancements, and consider culvert repair/improvement.

Fashant asked if the \$2 million covers the signal and this project. Quisberg stated that advancements have been requested to cover \$1.5 million in projects.

MOTION: Motion was made by Councilmember Fashant, seconded by Councilmember Salonek to approve plans and specifications and authorize the advertisement for bids for the South Diamond Lake Road Improvement Project. Motion carries unanimously

K. Goals and Strategic Plan Continued Discussion

Doud stated that after the discussion, the Council will need to adopt the Strategic Plan. If need be, it can be brought back for adoption, but it would be better to do it tonight. Doud went over what successful goal setting looks like and projected the Council's proposed goals.

Van Asten mentioned encouraging different businesses, and she'd like the EDA to assist in bringing businesses that meet niches that are missing in the local communities without duplicating what other cities have.

Van Asten asked about acquiring land for a community sports complex with a date of 2023. Did it ever happen? The answer is no. Van Asten asked if this is something that our residents need and want.

Fisher asked Doud what the survey said about the sports complex. Doud stated that it was one of the top items. Henderson stated that it all depends on who you talk to.

Doud stated that a Veterans Park was the number one item. The athletic complex was either number two or three at 79%.

Additional discussion ensued. The conversation shifted to park-user surveys.

Van Asten asked if the Environmental Program Curriculum was ever established. The answer is no.

Additional discussion ensued.

Van Asten asked if an additional Activities Center employee was hired. The answer is no. Doud stated that there have been three replacements recently. Benting stated that the full-time position has been turned into a part-time position.

Additional discussion ensued, shifted to ways to measure community engagement with the parks, and then shifted to the need for another survey.

Van Asten asked if there has been any discussion about bike rentals at the river landings.

Additional discussion ensued.

Van Asten asked about the key connection points between the parks and trail system and to make sure that all the big chunks are connected. There was consensus that the City is currently working towards this goal.

The discussion shifted to staging.

Doud expressed the need for planning by using regional versus individual stormwater ponds as an example.

Additional discussion ensued.

There was consensus to set a goal for larger area planning and continue with the planning commission.

Van Asten asked for clarification on the goal of increasing website visits and if there is a strong presence on the social media part of the plan. Doud stated that there has been a strong push for local governments to reduce their presence on social media because of the negativity that goes along with it. The push has been to move towards an app-based program.

Van Asten asked about the record retention-digitization process. Doud stated that it is in process.

The discussion shifted to the need for clear direction for all committees.

Van Asten asked about the less than 5% turnover rate for City Staff. There was a consensus to not use a turnover rate as an indicator.

The discussion shifted to the importance of emergency preparedness training.

Van Asten asked if at least 80% of the City parks are ADA compliant. The answer is no.

Additional discussion ensued.

Van Asten stated that Code Enforcement needs to be discussed.

Fisher stated that if the Council chooses to go down that road, he will push for a lot fewer regulations.

Fashant stated that the goal is too big and should be removed. If everything is based on complaints, this states that we are going to move towards active Code Enforcement. That's a big change. That's more people, and more everything.

Van Asten asked if the Council could explore Code Enforcement options.

Additional discussion ensued.

Van Asten was adamant that the discussion regarding Code Enforcement needs to be held.

Henderson asked for clarification about which types of Code Enforcement. The answer is Zoning Code Enforcement.

Henderson stated that she's not going to ask the Council to adopt the document today, because there are a lot of changes to be made. Doud will bring the changes back to the next City Council Meeting for approval.

ADJOURNMENT

Fisher declared the meeting adjourned at 9:08 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 March 25, 2025

	Totals
Claims Roster 03-25-2025	\$ 376,295.13
Prepaid 03-06-2025 FB	\$ 1,895.22
Prepaid 03-13-2025 EB	\$ 144,086.39

Total Payments:	\$ 522,276.74
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Payroll 03-06-2025 FD 02.2025	\$ 10,655.67
Payroll 03-13-2025 Bi-Weekly 06	\$ 106,093.21

Check # sequence to be approved by City Council from meeting date of 03/25/2025:

Checks # 078615-078688

03/20/2025

INVOICE REGISTER REPORT FOR CITY OF DAYTON MN
 EXP CHECK RUN DATES 03/25/2025 - 03/25/2025
 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
	ABDO LLP	03/11/2025	03/25/2025	2,650.00	2,650.00	Open	N
	PROFESSIONAL SRVS HR ASSISTANCE- FEB 2025 CHOYT						02/28/2025
	101-41500-50300 PROFESSIONAL SRVS HR- FEB 2025			2,650.00			
	ALTERNATIVE BUSINESS FURNITURE	03/18/2025	03/25/2025	557.95	557.95	Open	N
	SUPPLIES; OFC CHAIR	CHOYT					03/10/2025
	101-41810-50200 SUPPLIES; OFC CHAIR			557.95			
	BCA TRAINING	03/19/2025	03/25/2025	75.00	75.00	Open	N
	PD; PROFESSIONAL DEVELOPMENT-15773	CHOYT					03/15/2025
	101-42120-50208 PD; PROFESSIONAL DEVELOPMENT-15773			75.00			
	BEAUDRY	03/19/2025	03/25/2025	1,658.69	1,658.69	Open	N
	PW; ULS #2 DYED DIESEL-WINTER 568.10	CHOYT					03/10/2025
	101-43100-50212 PW; ULS #2 DYED DIESEL-WINTER 568.10			1,658.69			
	BEAUDRY	03/19/2025	03/25/2025	1,555.35	1,555.35	Open	N
	PW; UNLEADED 87 -612.10	CHOYT					03/10/2025
	101-43100-50212 PW; UNLEADED 87 -612.10			1,555.35			
	BLACK & VEATCH	03/18/2025	03/25/2025	23,223.64	23,223.64	Open	N
	WELL 4 & 5 FILTERATION DET DES; JAN 2025	CHOYT					01/31/2025
	601-00000-16500 WELL 4 & 5 FILTERATION DET DES; JAN 2025			23,223.64			
	BOYER TRUCKS	03/12/2025	03/25/2025	257.58	257.58	Open	N
	PW; REPAIR/MAINT FILTERS	CHOYT					03/11/2025
	101-43100-50220 PW; REPAIR/MAINT FILTERS			257.58			
	CAMPBELL KNUTSON P.A.	03/14/2025	03/25/2025	360.00	360.00	Open	N

LEGAL FEES-PROJ 6143	CHOYT						02/28/2025
411-43100-50304-6143	LEGAL FEES-PROJ 6143			360.00			
CAMPBELL KNUTSON P.A.	03/14/2025	03/25/2025	4,020.00	4,020.00	Open	N	
LEGAL FEES- PKWY NEIGHBORHOOD PROJ 6180	CHOYT						02/28/2025
411-43100-50304-6180	LEGAL FEES- PROJ 6180		4,020.00				
CAMPBELL KNUTSON P.A.	03/14/2025	03/25/2025	10,675.94	10,675.94	Open	N	
LEGAL FEES-GENERAL; FEB 2025	CHOYT						02/28/2025
101-41640-50304	LEGAL FEES-GENERAL; FEB 2025		10,208.44				
225-41710-50300	PROFESSIONAL SRVS; FEB 2025		467.50				
CAMPBELL KNUTSON P.A.	03/14/2025	03/25/2025	3,908.00	3,908.00	Open	N	
LEGAL FEES- PROJ. 6190	CHOYT						03/14/2025
411-43100-50304-6190	LEGAL FEES- PROJ. 6190		3,908.00				
CENTERPOINT ENERGY	03/11/2025	03/25/2025	21.94	0.00	Paid	Y	
RH WELLHOUSE; 11429952-2 FEB 2025	CHOYT						02/28/2025
601-49400-50383	RH WELLHOUSE; 11429952-2 FEB 2025		21.94				
CENTERPOINT ENERGY	03/11/2025	03/25/2025	6,451.75	0.00	Paid	Y	
PW/PD FACILITY; 10662228-5 /FEB 2025	CHOYT						02/28/2025
101-43100-50383	PW FACILITY; 10662228-5		3,225.87				
101-42120-50383	PD FACILITY; 10662228-5		3,225.88				
CENTRAL FIRE PROTECTION	03/10/2025	03/25/2025	63.77	63.77	Open	N	
FD;PRESSURE GAUGE FOR WATER EXTINGUISHE	CHOYT						02/27/2025
101-42260-50220	FD;PRESSURE GAUGE FOR WATER EXTINGUISHER		63.77				
CHARTER COMMUNICATIONS	03/14/2025	03/25/2025	1,324.85	0.00	Paid	Y	
ACCOUNT #175337501 INTERNET MAR 2025	CHOYT						03/14/2025
101-42120-50320	LOCATION #243204401- PD; INTERNET		180.00				
101-43100-50321	LOCATION #243204401- PW; INTERNET		180.00				
101-42260-50320	LOCATION #175337701- FD2; INTERNET		32.90				
101-41820-50308	LOCATION #175337801; CH/INTERNET 13		199.98				
601-49400-50321	LOCATION #175337201; WELLHOUSE/INTERNET		89.98				
101-42260-50320	LOCATION #175337601; FD 1/INTERNET;		84.99				
101-42120-50320	ACCOUNT# 175351601- PD;NUMBER FORWARDING		15.00				

101-41820-50308	LOCATION #175337901- CH/ INTERNET 5			542.00				
CINTAS		03/10/2025	03/25/2025	126.04	126.04	Open	N	
PW; UNIFORMS		CHOYT						03/07/2025
101-43100-50217	PW; UNIFORMS			126.04				
CINTAS		03/14/2025	03/25/2025	238.14	238.14	Open	N	
PW; UNIFORMS		CHOYT						03/13/2025
101-43100-50217	PW; UNIFORMS			238.14				
CITY OF MAPLE GROVE		03/17/2025	03/25/2025	34,671.24	34,671.24	Open	N	
14,268,000 GALLONS WATER USAGE; JAN/FEB 2025		CHOYT						02/28/2025
601-49400-50389	14,268,000 GALLONS WATER USAGE; JAN/FEB 2025			34,671.24				
CORNERSTONE		03/14/2025	03/25/2025	5,859.05	5,859.05	Open	N	
PD; 2019 DODGE CHARGER-GAS ENGINE		CHOYT						03/10/2025
101-42120-50220	PD; 2019 DODGE CHARGER-GAS ENGINE			5,859.05				
CORNERSTONE		03/17/2025	03/25/2025	361.34	361.34	Open	N	
PD; REPAIR/MAINT-OIL LEAK		CHOYT						03/06/2025
101-42120-50220	PD; REPAIR/MAINT-OIL LEAK			361.34				
CREATIVE HOME SOLUTIONS		03/18/2025	03/25/2025	13,225.00	13,225.00	Open	N	
FD; IMPROVEMENTS -KITCHEN		CHOYT						03/18/2025
410-41900-50530	FD; IMPROVEMENTS -KITCHEN			13,225.00				
CREATIVE HOME SOLUTIONS		03/19/2025	03/25/2025	14,310.00	14,310.00	Open	N	
FD; IMPROVEMENTS-BATHROOM		CHOYT						03/18/2025
410-41900-50530	FD; IMPROVEMENTS-BATHROOM			14,310.00				
EARL F ANDERSON INC		03/07/2025	03/25/2025	117.35	117.35	Open	N	
PW; STREET SIGNS 24"X18"		CHOYT						03/07/2025
101-43100-50224	PW; STREET SIGNS 24"X18"			117.35				
ECKBERG LAMMERS PC		03/11/2025	03/25/2025	2,397.00	2,397.00	Open	N	
PROFESSIONAL SRVS-FEB 2025		CHOYT						02/28/2025
225-41710-50300	PROFESSIONAL SRVS-FEB 2025			2,397.00				

ECM PUBLISHERS, INC	03/20/2025	03/25/2025	138.00	138.00	Open	N
LEGAL NOTICES/FILING FEE PROJ.#6180	CHOYT					03/20/2025
411-43100-50351-6180	LEGAL NOTICE/FILING; PROJ 6180		138.00			
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ECM PUBLISHERS, INC	03/20/2025	03/25/2025	276.00	276.00	Open	N
LEGAL NOTICES/FILING FEE; PROJ 6180	CHOYT					03/20/2025
411-43100-50351-6180	LEGAL NOTICES/FILING FEE; PROJ 6180		276.00			
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ELM CREEK WATERSHED	03/18/2025	03/25/2025	5,900.00	5,900.00	Open	N
ESCROW; ELSIE STEPHENS PARK-PHASE 3	CHOYT					03/18/2025
408-45300-50300	ESCROW; ELSIE STEPHENS PARK-PHASE 3		5,900.00			
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ELM CREEK WATERSHED	03/19/2025	03/25/2025	5,900.00	5,900.00	Open	N
ESCROW; DAYTON PSA #21	CHOYT					03/19/2025
101-41110-50205	ESCROW; DAYTON PSA #21		5,900.00			
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EMERGENCY AUTOMOTIVE TECHNOLOGIES	03/14/2025	03/25/2025	4,108.19	4,108.19	Open	N
PD; OTHER EQUIPMENT-UNIT #2510 25 RAM	CHOYT					03/11/2025
401-42120-50580	PD; OTHER EQUIPMENT-UNIT #2510		4,108.19			
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ENTERPRISE FM TRUST	03/05/2025	03/25/2025	8,727.85	8,727.85	Open	N
MOTOR VEHICLES LEASING PROGRAM-MAR 2025	CHOYT					03/17/2025
401-42120-50550	MOTOR VEHICLES LEASING PROGRAM-MAR 2025		8,727.85			
<hr/>						
FULLY PROMOTED/EMBROIDME	03/10/2025	03/25/2025	138.00	138.00	Open	N
UNIFORM ALLOWANCE BBENTING	CHOYT					03/06/2025
101-41500-50200	UNIFORM ALLOWANCE BBENTING		138.00			
<hr/>						
FULLY PROMOTED/EMBROIDME	03/10/2025	03/25/2025	77.50	77.50	Open	N
UNIFORM ALLOWANCE- A BENTING	CHOYT					03/06/2025
101-41310-50200	UNIFORM ALLOWANCE- A BENTING		77.50			
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GALLS INC	03/11/2025	03/25/2025	200.98	200.98	Open	N
OTHER EQUIPMENT-TRAINING CHAIN CUFFS	CHOYT					03/06/2025
101-42120-50580	OTHER EQUIPMENT-TRAINING CHAIN CUFFS		200.98			
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GALLS INC	03/17/2025	03/25/2025	251.91	251.91	Open	N
PD; UNIFORM-GRIMSBY	CHOYT					03/13/2025

101-42120-50217	PD; UNIFORM-GRIMSBY			251.91				
GAME TIME		03/18/2025	03/25/2025	1,390.87	1,390.87	Open	N	
PW; MALLET W/CABLE GREY		CHOYT						12/30/2024
101-45200-50220	PW; MALLET W/CABLE GREY			1,390.87				
GUIDANCEPOINT TECHNOLOGIES		03/10/2025	03/25/2025	305.00	305.00	Open	N	
IT; CONTRACT SERVICES-2 SERVERS REPLIBIT		CHOYT						03/08/2025
101-41810-50308	IT; CONTRACT SERVICES-2 SERVERS REPLIBIT			305.00				
GUIDANCEPOINT TECHNOLOGIES		03/10/2025	03/25/2025	175.00	175.00	Open	N	
IT; CONTRACT SERVICES-1 SERVER PD		CHOYT						03/08/2025
101-41810-50308	IT; CONTRACT SERVICES-1 SERVER PD			175.00				
GUIDANCEPOINT TECHNOLOGIES		03/12/2025	03/25/2025	506.00	506.00	Open	N	
IT; SUBSCRIPTIONS/MEMBERSHIP-OFC 365 FEB 1		CHOYT						03/12/2025
101-41810-50205	IT; SUBSCRIPTIONS/MEMBERSHIP- OFC 365			506.00				
GUIDANCEPOINT TECHNOLOGIES		03/17/2025	03/25/2025	92.50	92.50	Open	N	
IT; CONTRACT SERVICES-HVAC SUPPORT		CHOYT						03/11/2025
101-41810-50308	IT; CONTRACT SERVICES-HVAC SUPPORT			92.50				
GUIDANCEPOINT TECHNOLOGIES		03/17/2025	03/25/2025	220.00	220.00	Open	N	
IT; CONTRACT SERVICES-SWITCH FANS LOUD		CHOYT						02/28/2025
101-41810-50308	IT; CONTRACT SERVICES-SWITCH FANS LOUD			220.00				
GUIDANCEPOINT TECHNOLOGIES		03/17/2025	03/25/2025	92.50	92.50	Open	N	
IT; CONTRACT SERVICES-MFA ISSUE		CHOYT						03/05/2025
101-41810-50308	IT; CONTRACT SERVICES-MFA ISSUE			92.50				
HAWKINS, INC		03/14/2025	03/25/2025	6,799.61	6,799.61	Open	N	
PW; CHEMICALS		CHOYT						03/13/2025
601-49400-50216	PW; CHEMICALS			6,799.61				
HENNEPIN COUNTY		03/11/2025	03/25/2025	3,438.30	0.00	Paid	Y	
FD; RADIO LEASE- FEB 2025		CHOYT						02/28/2025
101-42260-50320	FD; RADIO LEASE- FEB 2025			3,438.30				

HENNEPIN COUNTY PD; RADIO LEASE & WORK ORDER- FEB 2025 101-42120-50320		03/11/2025 CHOYT	03/25/2025	2,985.86	0.00	Paid	Y 02/28/2025
				2,985.86			
HENNEPIN COUNTY ACCOUNTS RECEIVABLE VIEW RECORDED DOCUMENTATION 101-41710-50205		03/07/2025 CHOYT	03/25/2025	15.00	15.00	Open	N 03/06/2025
				15.00			
HENNEPIN COUNTY FIRE CHIEFS FD; BLUE CARD SIM TRAINING (4) 101-42260-50208		03/14/2025 CHOYT	03/25/2025	1,700.00	1,700.00	Open	N 03/10/2025
				1,700.00			
HENNEPIN COUNTY -LAND & TAX SERVICE PROFESSIONAL SRVS-STANDARD AUDIT PACKET 101-41500-50300		03/14/2025 CHOYT	03/25/2025	25.00	25.00	Open	N 02/21/2025
				25.00			
HENNEPIN COUNTY -PROPERTY TAX PROPERTY TAX PAYMENTS; 17-120-22-14-0003-1 101-49999-50370		03/18/2025 CHOYT	03/25/2025	895.84	895.84	Open	N 03/18/2025
				895.84			
HP GROUP HEALTH NON-PATIENT A/R EAP MEMBER/NON MEMBER (CUST# 12750101); 101-41810-50205		03/17/2025 CHOYT	03/25/2025	208.60	0.00	Paid	Y 02/28/2025
				66.30			
				38.00			
				66.30			
				38.00			
INSIDE OUTSIDE ARCHITECTURE PW; PARKS WELL/ELECTRICAL SUPPLY 408-45300-50300		03/19/2025 CHOYT	03/25/2025	380.60	380.60	Open	N 02/12/2025
				380.60			
INSIDE OUTSIDE ARCHITECTURE PW; PARKS WELL & ELECTRICAL SUPPLY 601-49400-50300		03/19/2025 CHOYT	03/25/2025	268.10	268.10	Open	N 02/12/2025
				268.10			
INSIDE OUTSIDE ARCHITECTURE PW; PROFESSIONAL SRVS-2024 PARKS IMPROVE 405-41900-50300		03/19/2025 CHOYT	03/25/2025	28,288.40	28,288.40	Open	N 12/31/2024
				28,288.40			

J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025	27.94	27.94	Open	N
Chipper trailer wiring	CHOYT					02/04/2025
101-43100-50220	Chipper trailer wiring		27.94			
J.P. MORGAN CHASE BANK NA	02/05/2025	03/25/2025	62.95	62.95	Open	N
hdmi cables for office	CHOYT					02/05/2025
101-43100-50210	hdmi cables for office		62.95			
J.P. MORGAN CHASE BANK NA	02/06/2025	03/25/2025	555.00	555.00	Open	N
Plow Controller for 08 1 Ton	CHOYT					02/06/2025
101-43100-50220	Plow Controller for 08 1 Ton		555.00			
J.P. MORGAN CHASE BANK NA	02/06/2025	03/25/2025	109.98	109.98	Open	N
TRAINING MANUALS	CHOYT					02/06/2025
101-43100-50208	TRAINING MANUALS		109.98			
J.P. MORGAN CHASE BANK NA	02/06/2025	03/25/2025	178.87	178.87	Open	N
GENERAL HARDWARE	CHOYT					02/06/2025
101-43100-50210	GENERAL HARDWARE		178.87			
J.P. MORGAN CHASE BANK NA	02/07/2025	03/25/2025	28.00	28.00	Open	N
Propane for shop sweeper	CHOYT					02/07/2025
101-43100-50210	Propane for shop sweeper		28.00			
J.P. MORGAN CHASE BANK NA	02/08/2025	03/25/2025	229.33	229.33	Open	N
Plow Crew Lunch during 12 hour snow even	CHOYT					02/08/2025
101-43100-50210	Plow Crew Lunch during 12 hour snow even		229.33			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	76.86	76.86	Open	N
Play Day Supplies	CHOYT					02/10/2025
101-41910-50210	Play Day Supplies		76.86			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	17.69	17.69	Open	N
MDH WATER SAMPLES POSTAGE	CHOYT					02/10/2025
601-49400-50322	MDH WATER SAMPLES POSTAGE		17.69			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	78.35	78.35	Open	N

Play Day Supplies		CHOYT						02/11/2025
101-41910-50210	Play Day Supplies			78.35				
J.P. MORGAN CHASE BANK NA		02/11/2025	03/25/2025	186.86	186.86	Open	N	
COMMS CABLING		CHOYT						02/11/2025
101-43100-50520	COMMS CABLING			186.86				
J.P. MORGAN CHASE BANK NA		02/13/2025	03/25/2025	82.99	82.99	Open	N	
Parts		CHOYT						02/13/2025
101-43100-50220	Parts			82.99				
J.P. MORGAN CHASE BANK NA		02/14/2025	03/25/2025	130.89	130.89	Open	N	
WELDING SUPPLIES		CHOYT						02/14/2025
101-43100-50210	WELDING SUPPLIES			130.89				
J.P. MORGAN CHASE BANK NA		02/14/2025	03/25/2025	425.00	425.00	Open	N	
SEPTIC PUMPING		CHOYT						02/14/2025
101-43100-50300	SEPTIC PUMPING			425.00				
J.P. MORGAN CHASE BANK NA		02/18/2025	03/25/2025	400.00	400.00	Open	N	
UPHOLSTERY REPAIR		CHOYT						02/18/2025
101-43100-50220	UPHOLSTERY REPAIR			400.00				
J.P. MORGAN CHASE BANK NA		02/18/2025	03/25/2025	231.75	231.75	Open	N	
POWDER COATING		CHOYT						02/18/2025
101-43100-50220	POWDER COATING			231.75				
J.P. MORGAN CHASE BANK NA		02/20/2025	03/25/2025	168.34	168.34	Open	N	
operating supplies		CHOYT						02/20/2025
101-43100-50210	operating supplies			168.34				
J.P. MORGAN CHASE BANK NA		02/21/2025	03/25/2025	20.00	20.00	Open	N	
Loss Control workshop		CHOYT						02/21/2025
101-43100-50208	Loss Control workshop			20.00				
J.P. MORGAN CHASE BANK NA		02/25/2025	03/25/2025	74.89	74.89	Open	N	
Produce Stand Stain		CHOYT						02/25/2025
101-41910-50210	Produce Stand Stain			74.89				

J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025	13.03	13.03	Open	N
Lunch meeting with TRPD	CHOYT					02/04/2025
101-41310-50200	Lunch meeting with TRPD		13.03			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	395.00	395.00	Open	N
2025 MCFOA Conference - Bethany	CHOYT					02/11/2025
101-41420-50208	2025 MCFOA Conference - Bethany		395.00			
J.P. MORGAN CHASE BANK NA	02/14/2025	03/25/2025	15.86	15.86	Open	N
Lunch for Monthly Peer Group Meeting	CHOYT					02/14/2025
101-41310-50208	Lunch for Monthly Peer Group Meeting		15.86			
J.P. MORGAN CHASE BANK NA	02/25/2025	03/25/2025	125.00	125.00	Open	N
City Day on the Hill - Fashant	CHOYT					02/25/2025
101-41110-50208	City Day on the Hill - Fashant		125.00			
J.P. MORGAN CHASE BANK NA	02/03/2025	03/25/2025	37.21	37.21	Open	N
office supplies	CHOYT					02/03/2025
101-41810-50200	office supplies		37.21			
J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025	12.50	12.50	Open	N
name plate	CHOYT					02/04/2025
101-41110-50210	name plate		12.50			
J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025	16.24	16.24	Open	N
office supplies	CHOYT					02/04/2025
101-41810-50200	office supplies		16.24			
J.P. MORGAN CHASE BANK NA	02/07/2025	03/25/2025	4.49	4.49	Open	N
office supplies	CHOYT					02/07/2025
101-41810-50200	office supplies		4.49			
J.P. MORGAN CHASE BANK NA	02/07/2025	03/25/2025	12.50	12.50	Open	N
name plate	CHOYT					02/07/2025
101-41120-50210	name plate		12.50			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	38.36	38.36	Open	N

food Council		CHOYT						02/11/2025
101-41110-50210	food Council			38.36				
J.P. MORGAN CHASE BANK NA		02/11/2025	03/25/2025	207.47	207.47	Open	N	
Council food		CHOYT						02/11/2025
101-41110-50210	Council food			207.47				
J.P. MORGAN CHASE BANK NA		02/11/2025	03/25/2025	790.00	790.00	Open	N	
clerks conference		CHOYT						02/11/2025
101-41420-50208	clerks conference			790.00				
J.P. MORGAN CHASE BANK NA		02/13/2025	03/25/2025	(395.00)	(395.00)	Open	N	
I won a 100 off the conference so we had		CHOYT						02/13/2025
101-41420-50208	I won a 100 off the conference so we had			(395.00)				
J.P. MORGAN CHASE BANK NA		02/13/2025	03/25/2025	295.00	295.00	Open	N	
clerks conference		CHOYT						02/13/2025
101-41420-50208	clerks conference			295.00				
J.P. MORGAN CHASE BANK NA		02/23/2025	03/25/2025	8.70	8.70	Open	N	
Microsoft		CHOYT						02/23/2025
101-41820-50308	Microsoft			8.70				
J.P. MORGAN CHASE BANK NA		02/25/2025	03/25/2025	33.98	33.98	Open	N	
food		CHOYT						02/25/2025
101-41110-50208	food			33.98				
J.P. MORGAN CHASE BANK NA		02/25/2025	03/25/2025	162.72	162.72	Open	N	
Office supplies		CHOYT						02/25/2025
101-41810-50200	Office supplies			162.72				
J.P. MORGAN CHASE BANK NA		02/26/2025	03/25/2025	52.09	52.09	Open	N	
zoom meetings		CHOYT						02/26/2025
101-41500-50205	zoom meetings			52.09				
J.P. MORGAN CHASE BANK NA		02/07/2025	03/25/2025	642.63	642.63	Open	N	
EMPLOYEE BREAKFAST		CHOYT						02/07/2025
101-41910-50213	EMPLOYEE BREAKFAST			642.63				

J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	119.99	119.99	Open	N
FOOD MANAGER COURSE AND EXAM	CHOYT					02/10/2025
101-41910-50208	FOOD MANAGER COURSE AND EXAM		119.99			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	10.00	10.00	Open	N
PRESSURE VESSEL PERMIT FS2	CHOYT					02/10/2025
101-43100-50210	PRESSURE VESSEL PERMIT FS2		10.00			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	10.00	10.00	Open	N
PRESSURE VESSEL PERMIT OLD PW	CHOYT					02/10/2025
101-43100-50210	PRESSURE VESSEL PERMIT OLD PW		10.00			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	10.00	10.00	Open	N
PRESSURE VESSEL PERMIT PW	CHOYT					02/10/2025
101-43100-50210	PRESSURE VESSEL PERMIT PW		10.00			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	65.77	65.77	Open	N
PLAY DAY SUPPLIES	CHOYT					02/10/2025
101-41910-50210	PLAY DAY SUPPLIES		65.77			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	88.58	88.58	Open	N
Play Day supplies	CHOYT					02/10/2025
101-41910-50210	Play Day supplies		88.58			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	(50.48)	(50.48)	Open	N
CREDIT REFUND	CHOYT					02/11/2025
101-41910-50213	CREDIT REFUND		(50.48)			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	158.95	158.95	Open	N
Cart Fabrication project casters	CHOYT					02/11/2025
101-43100-50210	Cart Fabrication project casters		158.95			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	17.99	17.99	Open	N
Toilet Repairs Clty Hall	CHOYT					02/11/2025
101-43100-50520	Toilet Repairs Clty Hall		17.99			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	71.76	71.76	Open	N

Shop Supplies		CHOYT					02/11/2025
101-43100-50210	Shop Supplies			71.76			
J.P. MORGAN CHASE BANK NA		02/12/2025	03/25/2025	0.75	0.75	Open	N
MDH Certification 2 Invoices one for 35.		CHOYT					02/12/2025
101-41910-50208	MDH Certification 2 Invoices one for 35.			0.75			
J.P. MORGAN CHASE BANK NA		02/12/2025	03/25/2025	35.00	35.00	Open	N
Food Protection Certification 2 Invoice		CHOYT					02/12/2025
101-41910-50208	Food Protection Certification 2 Invoice			35.00			
J.P. MORGAN CHASE BANK NA		02/14/2025	03/25/2025	120.00	120.00	Open	N
CANVA SUBSCRIPTION		CHOYT					02/14/2025
101-43100-50205	CANVA SUBSCRIPTION			120.00			
J.P. MORGAN CHASE BANK NA		02/17/2025	03/25/2025	140.46	140.46	Open	N
Office Supplies		CHOYT					02/17/2025
101-43100-50210	Office Supplies			140.46			
J.P. MORGAN CHASE BANK NA		02/19/2025	03/25/2025	6.62	6.62	Open	N
JD Loader repairs		CHOYT					02/19/2025
101-43100-50220	JD Loader repairs			6.62			
J.P. MORGAN CHASE BANK NA		02/19/2025	03/25/2025	17.01	17.01	Open	N
Operating Supplies		CHOYT					02/19/2025
101-43100-50210	Operating Supplies			17.01			
J.P. MORGAN CHASE BANK NA		02/22/2025	03/25/2025	267.13	267.13	Open	N
white board		CHOYT					02/22/2025
101-43100-50210	white board			267.13			
J.P. MORGAN CHASE BANK NA		02/24/2025	03/25/2025	498.55	498.55	Open	N
testing supplies		CHOYT					02/24/2025
601-49400-50210	testing supplies			498.55			
J.P. MORGAN CHASE BANK NA		02/25/2025	03/25/2025	4,651.15	4,651.15	Open	N
2008 1 ton repairs		CHOYT					02/25/2025
101-43100-50220	2008 1 ton repairs			4,651.15			

J.P. MORGAN CHASE BANK NA testing supplies 601-49400-50200	02/27/2025 CHOYT	03/25/2025	77.30	77.30	Open	N 02/27/2025
testing supplies			77.30			
J.P. MORGAN CHASE BANK NA DNR Water overage 601-49400-50210	02/27/2025 CHOYT	03/25/2025	5,194.17	5,194.17	Open	N 02/27/2025
DNR Water overage			5,194.17			
J.P. MORGAN CHASE BANK NA Batteries for portable radios 101-42260-50320	02/02/2025 CHOYT	03/25/2025	212.34	212.34	Open	N 02/02/2025
Batteries for portable radios			212.34			
J.P. MORGAN CHASE BANK NA Window Cleaning Combo. Firefighter Helme 101-42260-50217	02/02/2025 CHOYT	03/25/2025	131.55	131.55	Open	N 02/02/2025
Window Cleaning Combo. Firefighter Helme			131.55			
J.P. MORGAN CHASE BANK NA Credit for uniform boots 101-42260-50217	02/02/2025 CHOYT	03/25/2025	(40.07)	(40.07)	Open	N 02/02/2025
Credit for uniform boots			(40.07)			
J.P. MORGAN CHASE BANK NA Recertification for Blue Card for Joe Ti 101-42260-50208	02/04/2025 CHOYT	03/25/2025	125.00	125.00	Open	N 02/04/2025
Recertification for Blue Card for Joe Ti			125.00			
J.P. MORGAN CHASE BANK NA Seat Covers for new Grass Truck. 401-42260-50580	02/10/2025 CHOYT	03/25/2025	734.00	734.00	Open	N 02/10/2025
Seat Covers for new Grass Truck.			734.00			
J.P. MORGAN CHASE BANK NA Wash Brush and Handles 101-42260-50200	02/10/2025 CHOYT	03/25/2025	52.00	52.00	Open	N 02/10/2025
Wash Brush and Handles			52.00			
J.P. MORGAN CHASE BANK NA SCBA Flow-Testing 101-42260-50220	02/10/2025 CHOYT	03/25/2025	2,457.25	2,457.25	Open	N 02/10/2025
SCBA Flow-Testing			2,457.25			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025	1,434.88	1,434.88	Open	N

CPR Mannequins	CHOYT						02/10/2025
101-42260-50208 CPR Mannequins				1,434.88			
J.P. MORGAN CHASE BANK NA	02/15/2025	03/25/2025		104.00	104.00	Open	N
EMT Test Vouchers	CHOYT						02/15/2025
101-42260-50208 EMT Test Vouchers				104.00			
J.P. MORGAN CHASE BANK NA	02/15/2025	03/25/2025		69.62	69.62	Open	N
Phoenix Training Supplies	CHOYT						02/15/2025
101-42260-50200 Phoenix Training Supplies				69.62			
J.P. MORGAN CHASE BANK NA	02/17/2025	03/25/2025		53.36	53.36	Open	N
Squeegee	CHOYT						02/17/2025
101-42260-50200 Squeegee				53.36			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		5,055.30	5,055.30	Open	N
DONATION FROM BLAINE FESTIVALS AED/AED TR	CHOYT						02/20/2025
101-49999-50429 DONATION FROM BLAINE FESTIVALS AED/AED T				5,055.30			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		310.46	310.46	Open	N
Cell Phone Bill	CHOYT						02/20/2025
101-42260-50320 Cell Phone Bill				310.46			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		25.96	25.96	Open	N
Cookies for Department Meeting	CHOYT						02/20/2025
101-42260-50207 Cookies for Department Meeting				25.96			
J.P. MORGAN CHASE BANK NA	02/21/2025	03/25/2025		143.35	143.35	Open	N
Hazardous Materials Study Guide	CHOYT						02/21/2025
101-42260-50208 Hazardous Materials Study Guide				143.35			
J.P. MORGAN CHASE BANK NA	02/23/2025	03/25/2025		47.14	47.14	Open	N
Tire Gauge Applesauce Door Clamps Eye	CHOYT						02/23/2025
101-42260-50200 Tire Gauge Applesauce Door Clamps Eye				47.14			
J.P. MORGAN CHASE BANK NA	02/23/2025	03/25/2025		211.48	211.48	Open	N
EMR Books	CHOYT						02/23/2025
101-42260-50208 EMR Books				211.48			

J.P. MORGAN CHASE BANK NA Glucometer Strips 101-42260-50200	Glucometer Strips	02/23/2025 CHOYT	03/25/2025	31.66 31.66	31.66	Open	N 02/23/2025
J.P. MORGAN CHASE BANK NA PD; SUPPLIES 101-42120-50200	PD; SUPPLIES	02/05/2025 CHOYT	03/25/2025	150.57 150.57	150.57	Open	N 02/05/2025
J.P. MORGAN CHASE BANK NA Juntunen Uniform Allowance 101-42120-50217	Juntunen Uniform Allowance	02/06/2025 CHOYT	03/25/2025	341.84 341.84	341.84	Open	N 02/06/2025
J.P. MORGAN CHASE BANK NA Fieldseth Uniform Allowance 101-42120-50217	Fieldseth Uniform Allowance	02/10/2025 CHOYT	03/25/2025	167.06 167.06	167.06	Open	N 02/10/2025
J.P. MORGAN CHASE BANK NA PD-MEETING SNACKS 101-42120-50331	PD-MEETING SNACKS	02/12/2025 CHOYT	03/25/2025	11.34 11.34	11.34	Open	N 02/12/2025
J.P. MORGAN CHASE BANK NA Current Uniform Allowance 101-42120-50217	Current Uniform Allowance	02/17/2025 CHOYT	03/25/2025	59.37 59.37	59.37	Open	N 02/17/2025
J.P. MORGAN CHASE BANK NA Current Uniform Allowance 101-42120-50217	Current Uniform Allowance	02/17/2025 CHOYT	03/25/2025	57.00 57.00	57.00	Open	N 02/17/2025
J.P. MORGAN CHASE BANK NA Current Uniform Allowance 101-42120-50217	Current Uniform Allowance	02/17/2025 CHOYT	03/25/2025	38.50 38.50	38.50	Open	N 02/17/2025
J.P. MORGAN CHASE BANK NA PD; USE OF FORCE TRAINING SNACKS 101-42120-50331	PD; USE OF FORCE TRAINING SNACKS	02/19/2025 CHOYT	03/25/2025	51.59 51.59	51.59	Open	N 02/19/2025
J.P. MORGAN CHASE BANK NA		02/20/2025	03/25/2025	75.00	75.00	Open	N

PD; FITNESS EQUIPMENT NON WARRANTY	CHOYT						02/20/2025
101-42120-50392	PD; FITNESS EQUIPMENT NON WARRANTY			75.00			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025	159.00	159.00	Open	N	
PD; FITNESS EQUIPMENT NON WARRANTY	CHOYT						02/20/2025
101-42120-50392	PD; FITNESS EQUIPMENT NON WARRANTY			159.00			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025	75.00	75.00	Open	N	
PD; FITNESS EQUIPMENT NON WARRANTY	CHOYT						02/20/2025
101-42120-50392	PD; FITNESS EQUIPMENT NON WARRANTY			75.00			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025	129.51	129.51	Open	N	
Dickman Uniform Allowance	CHOYT						02/20/2025
101-42120-50217	Dickman Uniform Allowance			129.51			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025	77.71	77.71	Open	N	
Dickman Uniform Allowance	CHOYT						02/20/2025
101-42120-50217	Dickman Uniform Allowance			77.71			
J.P. MORGAN CHASE BANK NA	02/26/2025	03/25/2025	89.00	89.00	Open	N	
PD; LASER LABS	CHOYT						02/26/2025
401-42120-50580	PD; LASER LABS			89.00			
J.P. MORGAN CHASE BANK NA	02/27/2025	03/25/2025	299.00	299.00	Open	N	
PD; INVESTIGATIONS 101-BURNS	CHOYT						02/27/2025
101-42120-50208	PD; INVESTIGATIONS 101-BURNS			299.00			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025	116.00	116.00	Open	N	
CD; SENSIBLE LAND USE COALITION	CHOYT						02/11/2025
101-41710-50208	CD;SENSIBLE LAND USE COALITION			116.00			
J.P. MORGAN CHASE BANK NA	02/21/2025	03/25/2025	76.31	76.31	Open	N	
CD; MAILING LABELS	CHOYT						02/21/2025
101-41710-50200	CD; MAILING LABELS			76.31			
J.P. MORGAN CHASE BANK NA	02/03/2025	03/25/2025	220.00	220.00	Open	N	
PD; SUBSCRIPTIONS/MEMBERSHIP	CHOYT						02/03/2025
101-42120-50205	PD; SUBSCRIPTIONS/MEMBERSHIP			220.00			

J.P. MORGAN CHASE BANK NA PD; SUPPLIES 101-42120-50200	PD; SUPPLIES	02/06/2025 CHOYT	03/25/2025	42.27	42.27	Open	N 02/06/2025
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J.P. MORGAN CHASE BANK NA PD; LEXIS NEXIS-JAN 2025 101-42120-50308	PD; LEXIS NEXIS-JAN 2025	02/07/2025 CHOYT	03/25/2025	200.00	200.00	Open	N 02/07/2025
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J.P. MORGAN CHASE BANK NA PD; LEAP MEMBERSHIP-2025 101-42120-50205	PD; LEAP MEMBERSHIP-2025	02/10/2025 CHOYT	03/25/2025	100.00	100.00	Open	N 02/10/2025
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J.P. MORGAN CHASE BANK NA PD; USE OF FORCE TRAINING LUNCH 101-42120-50331	PD; USE OF FORCE TRAINING LUNCH	02/14/2025 CHOYT	03/25/2025	193.07	193.07	Open	N 02/14/2025
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J.P. MORGAN CHASE BANK NA PD; LOSS CONTROL WORKSHOP 101-42120-50208	PD; LOSS CONTROL WORKSHOP	02/24/2025 CHOYT	03/25/2025	20.00	20.00	Open	N 02/24/2025
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J.P. MORGAN CHASE BANK NA PD; LOSS CONTROL WORKSHOP 101-42120-50208	PD; LOSS CONTROL WORKSHOP	02/24/2025 CHOYT	03/25/2025	20.00	20.00	Open	N 02/24/2025
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J.P. MORGAN CHASE BANK NA PD; SUPPLIES 101-42120-50200	PD; SUPPLIES	02/24/2025 CHOYT	03/25/2025	55.85	55.85	Open	N 02/24/2025
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J.P. MORGAN CHASE BANK NA PD; SUPPLIES 101-42120-50200	PD; SUPPLIES	02/25/2025 CHOYT	03/25/2025	77.96	77.96	Open	N 02/25/2025
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J.P. MORGAN CHASE BANK NA PD; SUPPLIES-AMAZON 101-42120-50580	PD; SUPPLIES-AMAZON	02/27/2025 CHOYT	03/25/2025	32.84	32.84	Open	N 02/27/2025
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J.P. MORGAN CHASE BANK NA		02/27/2025	03/25/2025	62.11	62.11	Open	N

PD; SUPPLIES-AMAZON	CHOYT						02/27/2025
101-42120-50200	PD; SUPPLIES-AMAZON			62.11			
J.P. MORGAN CHASE BANK NA	02/27/2025	03/25/2025		277.87	277.87	Open	N
PD; EQUIPMENT	CHOYT						02/27/2025
101-42120-50580	PD; EQUIPMENT			277.87			
J.P. MORGAN CHASE BANK NA	02/03/2025	03/25/2025		497.19	497.19	Open	N
Uniform Polo's Uniform Jackets Gary and	CHOYT						02/03/2025
101-42260-50217	Uniform Polo's Uniform Jackets Gary and			497.19			
J.P. MORGAN CHASE BANK NA	02/03/2025	03/25/2025		324.90	324.90	Open	N
Uniform Polo's and Kevin Astrup Pull-Ove	CHOYT						02/03/2025
101-42260-50217	Uniform Polo's and Kevin Astrup Pull-Ove			324.90			
J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025		35.88	35.88	Open	N
Car Wash for Chief Two	CHOYT						02/04/2025
101-42260-50220	Car Wash for Chief Two			35.88			
J.P. MORGAN CHASE BANK NA	02/04/2025	03/25/2025		2,948.00	2,948.00	Open	N
Graphics were installed on the new Rescu	CHOYT						02/04/2025
101-42260-50200	Graphics were installed on the new Rescu			2,948.00			
J.P. MORGAN CHASE BANK NA	02/10/2025	03/25/2025		24.99	24.99	Open	N
FD; TAP CUBE SUPPLIES	CHOYT						02/10/2025
101-42260-50200	FD; TAP CUBE SUPPLIES			24.99			
J.P. MORGAN CHASE BANK NA	02/21/2025	03/25/2025		30.20	30.20	Open	N
Spackle Dry Screen Water	CHOYT						02/21/2025
101-42260-50200	Spackle Dry Screen Water			30.20			
J.P. MORGAN CHASE BANK NA	02/24/2025	03/25/2025		204.02	204.02	Open	N
FD; PAINT SUPPLIES	CHOYT						02/24/2025
101-42260-50200	FD; PAINT SUPPLIES			204.02			
J.P. MORGAN CHASE BANK NA	02/27/2025	03/25/2025		47.95	47.95	Open	N
Paint	CHOYT						02/27/2025
101-42260-50200	Paint			47.95			

J.P. MORGAN CHASE BANK NA FD; PAINT ROLLER 101-42260-50200	FD; PAINT ROLLER	02/27/2025 CHOYT	03/25/2025	10.69	10.69	Open	N 02/27/2025
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J.P. MORGAN CHASE BANK NA PLANNING COMMISSION 4.25 HOURS 1.09.2025 101-41420-50300	PLANNING COMMISSION 4.25 HOURS 1.09.2025	02/04/2025 CHOYT	03/25/2025	455.50	455.50	Open	N 02/04/2025
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J.P. MORGAN CHASE BANK NA MINUTES; CITY COUNCIL 1.12.2025 101-41420-50300	MINUTES; CITY COUNCIL 1.12.2025	02/04/2025 CHOYT	03/25/2025	348.75	348.75	Open	N 02/04/2025
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J.P. MORGAN CHASE BANK NA EDA 1.21.2025 101-41420-50300	EDA 1.21.2025	02/04/2025 CHOYT	03/25/2025	212.50	212.50	Open	N 02/04/2025
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J.P. MORGAN CHASE BANK NA December 2024 usage 101-43100-50230	December 2024 usage	02/04/2025 CHOYT	03/25/2025	1,818.84	1,818.84	Open	N 02/04/2025
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J.P. MORGAN CHASE BANK NA WATER SOFTENER RENTAL-FEB 2025 101-41910-50220	WATER SOFTENER RENTAL-FEB 2025	02/05/2025 CHOYT	03/25/2025	45.00	45.00	Open	N 02/05/2025
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J.P. MORGAN CHASE BANK NA WATER SOFTNER-FEB 2025 101-43100-50220	WATER SOFTNER-FEB 2025	02/05/2025 CHOYT	03/25/2025	45.15	45.15	Open	N 02/05/2025
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J.P. MORGAN CHASE BANK NA Water Softener Rental-Feb 2025 101-43100-50220	Water Softener Rental-Feb 2025	02/05/2025 CHOYT	03/25/2025	40.00	40.00	Open	N 02/05/2025
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J.P. MORGAN CHASE BANK NA WATER SOFTENER RENTAL-FEB 2025 101-41810-50220	WATER SOFTENER RENTAL-FEB 2025	02/05/2025 CHOYT	03/25/2025	12.95	12.95	Open	N 02/05/2025
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J.P. MORGAN CHASE BANK NA		02/11/2025	03/25/2025	889.33	889.33	Open	N

22-396000-01 CH; JAN 2025	CHOYT						02/11/2025
101-41810-50381	22-396000-01 CH; JAN 2025			889.33			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025		658.98	658.98	Open	N
22-990002-01 SL; JAN 2025	CHOYT						02/11/2025
101-43100-50230	22-990002-01 SL; JAN 2025			658.98			
J.P. MORGAN CHASE BANK NA	02/11/2025	03/25/2025		638.43	638.43	Open	N
3 INVOICES; JAN 2025	CHOYT						02/11/2025
101-42130-50381	3 INVOICES; JAN 2025			638.43			
J.P. MORGAN CHASE BANK NA	02/12/2025	03/25/2025		65.00	65.00	Open	N
AC-ICEBERG ACRYLIC	CHOYT						02/12/2025
101-41910-50210	AC-ICEBERG ACRYLIC			65.00			
J.P. MORGAN CHASE BANK NA	02/14/2025	03/25/2025		293.50	293.50	Open	N
Minutes-PC 02.04	CHOYT						02/14/2025
101-41420-50300	Minutes-PC 02.04			293.50			
J.P. MORGAN CHASE BANK NA	02/14/2025	03/25/2025		212.50	212.50	Open	N
Minutes -CC Jan 2025	CHOYT						02/14/2025
101-41420-50300	Minutes -CC Jan 2025			212.50			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		398.31	398.31	Open	N
PW/PD; WASTE/SHREDDING-FEB 2025	CHOYT						02/20/2025
101-43100-50384	PW/PD; WASTE/SHREDDING-FEB 2025			398.31			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		398.31	398.31	Open	N
CH; WASTE/SHREDDING-FEB 2025	CHOYT						02/20/2025
101-41810-50384	CH; WASTE/SHREDDING-FEB 2025			398.31			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		163.06	163.06	Open	N
AC; WASTE-18461 FEB 2025	CHOYT						02/20/2025
101-41910-50384	AC; WASTE-18461 FEB 2025			163.06			
J.P. MORGAN CHASE BANK NA	02/20/2025	03/25/2025		212.33	212.33	Open	N
PW; REFUSE/GARBAGE DISPOSAL-FEB 2025	CHOYT						02/20/2025
101-43100-50384	PW; REFUSE/GARBAGE DISPOSAL-FEB 2025			212.33			

J.P. MORGAN CHASE BANK NA	02/24/2025	03/25/2025	194.98	194.98	Open	N
UNIFORM ALLOWANCE-Z DOUD SUPPLIES	CHOYT					02/24/2025
101-41500-50200	UNIFORM ALLOWANCE-Z DOUD SUPPLIES		194.98			
J.P. MORGAN CHASE BANK NA	02/27/2025	03/25/2025	88.00	88.00	Open	N
Tree Trimming Sign Insert	CHOYT					02/27/2025
405-45200-50200	Tree Trimming Sign Insert		88.00			
JEFFERSON FIRE & SAFETY, INC	03/18/2025	03/25/2025	1,380.00	1,380.00	Open	N
FD; ENFORCER FIRE BULL CLASS A FOAM 5	CHOYT					03/10/2025
101-42260-50200	FD; ENFORCER FIRE BULL CLASS A FOAM 5		1,380.00			
KIESLER POLICE SUPPLY, INC	03/11/2025	03/25/2025	295.56	295.56	Open	N
PD; EQUIPMENT-STREAMLIGHT	CHOYT					03/04/2025
101-42120-50580	PD; EQUIPMENT-STREAMLIGHT		295.56			
KLATT, DEBRA	03/07/2025	03/25/2025	19.24	19.24	Open	N
UB refund for account: 1838	CHOYT					03/07/2025
601-00000-15550	CREDIT FORWARD		19.24			
KWIK TRIP INC	03/11/2025	03/25/2025	105.62	0.00	Paid	Y
PD; 514204/ CARWASH FEB 2025	CHOYT					03/02/2025
101-42120-50220	PD; 514204/ CARWASH FEB 2025		105.62			
LANDFORM PROFESSIONAL SVCS, LLC	03/11/2025	03/25/2025	3,253.00	3,253.00	Open	N
PLANNING FEES; PARK DEDICATION UPDATE-FEE	CHOYT					02/28/2025
101-41710-50300	PLANNING FEES; PARK DEDICATION UPDATE		3,253.00			
LEAGUE OF MN CITIES-INSURANCE	03/11/2025	03/25/2025	73,770.00	73,770.00	Open	N
PROPERTY/CASUALTY COVERAGE PREMIUM; 202	CHOYT					03/11/2025
101-41110-50362	PROPERTY INS		525.47			
101-41310-50362	PROPERTY INS		1,110.39			
101-41420-50362	PROPERTY INS		1,007.51			
101-41500-50362	PROPERTY INS		633.78			
101-41810-50362	PROPERTY INS		407.18			
101-41710-50362	PROPERTY INS		857.73			
101-41910-50362	PROPERTY INS		910.81			

101-42120-50362	PROPERTY INS			34,480.30			
101-42260-50362	PROPERTY INS			4,385.21			
101-43100-50362	PROPERTY INS			12,201.63			
101-45200-50362	PROPERTY INS			6,304.47			
601-49400-50362	PROPERTY INS			4,247.73			
602-49400-50362	PROPERTY INS			6,697.79			
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LEXIS NEXIS		03/11/2025	03/25/2025	200.00	200.00	Open	N
PD; CONTRACT SERVICES-FEB 2025	CHOYT						02/28/2025
101-42120-50308	PD; CONTRACT SERVICES-FEB 2025			200.00			
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LYNDE & MCLEOD INC		03/07/2025	03/25/2025	431.05	431.05	Open	N
YARD WASTE SITE RENTAL; APR 2025	CHOYT						03/03/2025
101-41650-50387	YARD WASTE SITE RENTAL; APR 2025			431.05			
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MARCIA SLOCUM		03/10/2025	03/25/2025	450.00	450.00	Open	N
DAC RENTAL DEPOSIT REFUND:EVENTS 3/2-3/9	CHOYT						03/10/2025
101-00000-21716	DAC RENTAL DEPOSIT REFUND:EVENTS 3/2-3/9			450.00			
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MELINDA UBERSOX		03/07/2025	03/25/2025	112.54	112.54	Open	N
UB refund for account: 5962	CHOYT						03/07/2025
601-00000-15550	CREDIT FORWARD			112.54			
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METROPOLITAN COUNCIL		03/14/2025	03/25/2025	17,221.05	0.00	Paid	Y
SAC FEE; FEB 2025	CHOYT						02/28/2025
602-00000-20801	SAC FEE; FEB 2025			17,395.00			
602-49450-37270	LESS PROMPT PAYMENT FEE; FEB 2025			(173.95)			
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MINNESOTA DEPARTMENT OF HEALTH		03/11/2025	03/25/2025	7,554.00	0.00	Paid	Y
MN CONNECT FEE; 3085 JAN-MAR 2025	CHOYT						02/28/2025
601-00000-20820	MN CONNECT FEE; 3085 JAN-MAR 2025			7,554.00			
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MONTICELLO ANIMAL CONTROL		03/07/2025	03/25/2025	55.00	55.00	Open	N
PD; ANIMAL CONTROL P/U-10878 KINGSVIEW LN	CHOYT						03/04/2025
101-42140-50308	PD; ANIMAL CONTROL P/U-2.3.25			55.00			
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MOUA-LOR, YER		03/07/2025	03/25/2025	27.32	27.32	Open	N
UB refund for account: 3587	CHOYT						03/07/2025

601-00000-15550	CREDIT FORWARD			27.32			
MSA PROFESSIONAL SERVICES, INC.	03/17/2025	03/25/2025	12,203.50	12,203.50	Open	N	
DAYTON CROW/MISSISSIPPI BOAT ACCESS	CHOYT						03/10/2025
408-45300-50300	DAYTON CROW/MISSISSIPPI BOAT ACCESS		12,203.50				
PAYMENTECH	02/13/2025	02/13/2025	30.00	0.00	Paid	Y	
TEST	DBRUNETTE						02/13/2025
101-41500-50309	TEST		30.00				
SCHALO CONSTRUCTION INC	03/07/2025	03/25/2025	176.09	176.09	Open	N	
UB refund for account: 7136	CHOYT						03/07/2025
601-00000-15550	CREDIT FORWARD		176.09				
SRF CONSULTING GROUP INC	03/11/2025	03/25/2025	1,069.40	1,069.40	Open	N	
ENGINEERING FEES;DAYTON PKWY EXTENSION-I	CHOYT						02/28/2025
459-43100-50303-2000	ENGINEERING FEES;DAYTON PKWY EXTENSION		1,069.40				
STREICHERS, INC	03/11/2025	03/25/2025	23.98	23.98	Open	N	
PD; GENERAL UNIFORM- BURNS	CHOYT						03/11/2025
101-42120-50217	PD; GENERAL UNIFORM- BURNS		23.98				
STREICHERS, INC	03/17/2025	03/25/2025	300.00	300.00	Open	N	
PD; GENERAL UNIFORM-TACTICAL ASSAULT CAR	CHOYT						03/13/2025
101-42120-50217	PD; GENERAL UNIFORM-TACTICAL ASSAULT		300.00				
SWANK MOTION PICTURES, INC	03/11/2025	03/25/2025	510.00	510.00	Open	N	
AC; THE WILD ROBOT EVENT 9/5/25	CHOYT						03/06/2025
101-41910-50210	AC; THE WILD ROBOT EVENT 9/5		510.00				
SWEENEY, THERESA	03/07/2025	03/25/2025	8.82	8.82	Open	N	
UB refund for account: 2142	CHOYT						03/07/2025
601-00000-15550	CREDIT FORWARD		8.82				
T MOBILE	03/07/2025	03/25/2025	961.02	0.00	Paid	Y	
CH/PW; 990673180 CELL SVC JAN-FEB 2025	CHOYT						02/21/2025
101-43100-50321	PW; CELL SVC		584.43				
601-49400-50321	PW; CELL SVC		52.82				

VAN DOVER, MARYA	03/07/2025	03/25/2025	27.32	27.32	Open	N
UB refund for account: 1870	CHOYT					03/07/2025
601-00000-15550	CREDIT FORWARD		27.32			
VEIT & COMPANY INC.	03/20/2025	03/25/2025	845.36	845.36	Open	N
RENTALS ROLL OFF-16471 S DIAMOND	CHOYT					03/16/2025
101-43100-50410	RENTALS ROLL OFF-16471 S DIAMOND		845.36			
VERIZON WIRELESS	03/19/2025	03/25/2025	150.16	150.16	Open	N
PW;CELL SERVICE;MCM SEWER FEB-MAR 2025	CHOYT					02/28/2025
602-49400-50321	PW;CELL SERVICE;MCM SEWER		150.16			
VISA-CH	03/11/2025	03/25/2025	468.00	0.00	Paid	Y
5321 VISA CH; FEB 2025	CHOYT					02/28/2025
101-41810-50205	SUBSCRIPTIONS- SURVEY MONKEY 2025		468.00			
VISA-CH	03/11/2025	03/25/2025	680.83	0.00	Paid	Y
5198 VISA CH; FEB 2025	CHOYT					02/28/2025
101-41820-50308	CH; DIGIUM CLOUD		680.83			
VISA-FD2	03/11/2025	03/25/2025	39.06	0.00	Paid	Y
FD; SOTA SHINE-HENDRICKSON-FEB 2025	CHOYT					02/28/2025
101-42260-50220	FD; SOTA SHINE-HENDRICKSON-FEB 2025		39.06			
WATER LABORATORIES, INC	03/10/2025	03/25/2025	583.20	583.20	Open	N
WATER TESTING; FEB 2025	CHOYT					02/28/2025
601-49400-50300	WATER TESTING; FEB 2025		583.20			
XCEL ENERGY	03/07/2025	03/25/2025	26.46	0.00	Paid	Y
51-0013433412-1; HWY 94 LGT; FEB 2025	CHOYT					03/06/2025
101-43100-50230	51-0013433412-1; HWY 94 LGT; FEB 2025		26.46			
XCEL ENERGY	03/07/2025	03/25/2025	55.43	0.00	Paid	Y
51-0013433188-8; 18432 UNIT SIGNAL; FEB 2025	CHOYT					03/06/2025
101-43100-50230	51-0013433188-8; 18432 UNIT SIGNAL; FEB		55.43			
XCEL ENERGY	03/07/2025	03/25/2025	159.13	0.00	Paid	Y

51-0013433364-2; 18404 DAYTON ST LGT; FEB 21 CHOYT							03/06/2025
101-43100-50230	51-0013433364-2; 18404 DAYTON ST LGT; FEB			159.13			
XCEL ENERGY		03/07/2025	03/25/2025	84.05	0.00	Paid	Y
51-0013433327-7;18396 DAYTON/SIGNAL; FEB 2 CHOYT							03/06/2025
101-43100-50230	51-0013433327-7;18396 DAYTON/SIGNAL; FEB			84.05			
XCEL ENERGY		03/11/2025	03/25/2025	51.22	0.00	Paid	Y
51-0014158934-9; 11501 DAYTON/S.L FEB 2025 CHOYT							03/10/2025
101-43100-50230	51-0014158934-9; 11501 DAYTON/S.L FEB			51.22			
XCEL ENERGY		03/14/2025	03/25/2025	176.46	0.00	Paid	Y
51-0013565432-4; 14695 RIVER/WELLHOUSE; FI CHOYT							03/12/2025
601-49400-50381	51-0013565432-4; 14695 RIVER/WELLHOUSE			176.46			
XCEL ENERGY		03/14/2025	03/25/2025	41.93	0.00	Paid	Y
51-0013923150-3;HOLLY LN-FEB 2025 CHOYT							03/12/2025
101-43100-50230	51-0013923150-3;HOLLY LN -FEB 2025			41.93			
XCEL ENERGY		03/14/2025	03/25/2025	31.54	0.00	Paid	Y
51-0013211437-0;SDL TRAIL LIFT; FEB 2025 CHOYT							02/28/2025
601-49400-50381	51-0013211437-0;SDL TRAIL LIFT; FEB 2025			31.54			
XCEL ENERGY		03/14/2025	03/25/2025	36.46	0.00	Paid	Y
51-0013985527-8; CHESHIRE LGT; FEB 2025 CHOYT							02/28/2025
101-43100-50230	51-0013985527-8; CHESHIRE LGT; FEB 2025			36.46			
XCEL ENERGY		03/14/2025	03/25/2025	26.95	0.00	Paid	Y
51-0014444656-9;14748 CHESHIRE CT S.L. FEB : CHOYT							02/28/2025
101-43100-50230	51-0014444656-9;14748 CHESHIRE CT S.L.			26.95			
XCEL ENERGY		03/14/2025	03/25/2025	24.83	0.00	Paid	Y
51-0014423188-8;14678 146TH AVE ST LGT FEB : CHOYT							02/28/2025
101-43100-50230	51-0014423188-8;14678 146TH AVE ST LGT			24.83			
XCEL ENERGY		03/14/2025	03/25/2025	35.79	0.00	Paid	Y
51-0014297205-1;14641 U.PASS W/RH PKWY;FE CHOYT							02/28/2025
101-43100-50230	51-0014297205-1;14641 U.PASS W/RH PKWY;			35.79			

XCEL ENERGY	03/14/2025	03/25/2025	27.05	0.00	Paid	Y
51-6970693-8;17320 DAYTON SHED; FEB 2025	CHOYT					02/28/2025
101-45200-50381	51-6970693-8;17320 DAYTON SHED; FEB 2025		27.05			
XCEL ENERGY	03/14/2025	03/25/2025	73.81	0.00	Paid	Y
51-0013433451-8;BROCKTON LGT; FEB 2025	CHOYT					02/28/2025
101-43100-50230	51-0013433451-8;BROCKTON LGT; FEB		73.81			
XCEL ENERGY	03/17/2025	03/25/2025	3,486.96	0.00	Paid	Y
51-0011857801-8;PD/PW BLDG; FEB-MAR 2025	CHOYT					03/14/2025
101-42120-50381	51-0011857801-8;PD/PW BLDG; FEB-MAR		1,743.48			
101-43100-50381	51-0011857801-8;PD/PW BLDG; FEB-MAR		1,743.48			
XCEL ENERGY	03/17/2025	03/25/2025	26.95	0.00	Paid	Y
51-0014444653-6;14666 146TH AVE S.L.-FEB-M/	CHOYT					02/28/2025
101-43100-50230	51-0014444653-6;14666 146TH AVE S.L.-FEB		26.95			
XCEL ENERGY	03/17/2025	03/25/2025	68.24	0.00	Paid	Y
51-0014473382-9 12000.5 W FRENCH LK FEB 20	CHOYT					02/28/2025
459-43100-50300-2001	51-0014473382-9 12000.5 W FRENCH LK FEB		68.24			
XCEL ENERGY	03/17/2025	03/25/2025	0.16	0.00	Paid	Y
51-0014712973-2; 18160 SIREN; FEB-MAR 2025	CHOYT					03/13/2025
101-42130-50381	51-0014712973-2; 18160 SIREN; FEB-MAR		0.16			
XCEL ENERGY	03/19/2025	03/25/2025	4.02	4.02	Open	N
51-5815803-3 F SIREN; FEB-MAR 2025	CHOYT					03/19/2025
101-42130-50381	51-5815803-3 F SIREN; FEB-MAR		4.02			
XCEL ENERGY	03/19/2025	03/25/2025	58.25	58.25	Open	N
51-0013348079-5;14430 DAYTON RIVER; FEB-M/	CHOYT					03/18/2025
101-45200-50381	51-0013348079-5;14430 DAYTON RIVER;		58.25			
# of Invoices: 241	# Due: 208	Totals:	376,780.68	330,675.80		
# of Credit Memos: 3	# Due: 3	Totals:	(485.55)	(485.55)		
Net of Invoices and Credit Memos:			376,295.13	330,190.25		

* 1 Net Invoices have Credits Totalling:

(173.95)

--- TOTALS BY PAYMENT CARD ACCOUNT ---

0983	12,153.33
3028	7,191.42
3356	3,085.69
3926	11,159.28
4473	548.89
4971	192.31
4983	1,276.26
5639	1,301.97
8767	1,781.49
9053	4,123.82

--- TOTALS BY FUND ---

101 - GENERAL FUND	164,252.82	143,416.80
225 - EDA	2,864.50	2,864.50
401 - CAPITAL EQUIPMENT	16,131.54	16,131.54
405 - PARK DEDICATION	28,376.40	28,376.40
408 - PARK TRAIL DEVELOPMENT	18,484.10	18,484.10
410 - CAPITAL FACILITIES	27,535.00	27,535.00
411 - DEVELOPER ESCROWS	8,702.00	8,702.00
459 - 2022 TIF STREET IMPROVEMENTS	1,137.64	1,069.40
601 - WATER FUND	84,689.30	76,762.56
602 - SEWER FUND	24,121.83	6,847.95

--- TOTALS BY DEPT/ACTIVITY ---

00000 -	48,993.97	24,044.97
41110 - Council	6,842.78	6,842.78
41120 - Committees-Commissions	12.50	12.50
41310 - Administration	1,256.13	1,216.78
41420 - City Clerk	3,654.61	3,615.26
41500 - Finance	3,755.00	3,693.85
41640 - Legal Services	10,208.44	10,208.44
41650 - Recycling Services	431.05	431.05

41710 - Plannning & Economic Dev	7,264.63	7,182.54
41810 - Central Services	4,734.56	3,877.38
41820 - Information Technology	1,597.90	175.09
41900 - General Govt	55,823.40	55,823.40
41910 - Activity Center	2,905.21	2,826.21
42120 - Patrol and Investigate	69,461.56	61,205.72
42130 - Emergency Mgmt	642.61	642.45
42140 - Animal Control	55.00	55.00
42260 - Fire Suppression	21,375.59	17,780.34
43100 - Public Works	44,709.15	38,264.12
45200 - Parks	7,868.64	7,841.59
45300 - Trail Development	18,484.10	18,484.10
49400 - Utilities	60,441.11	60,015.54
49450 - Sewer	(173.95)	0.00
49999 - Contingency	5,951.14	5,951.14

ITEM:

Approval of Letter of Opposition for Missing Middle Housing Bills at State Legislature

PREPARED BY:

Zach Doud, City Administrator

POLICY DECISION / ACTION TO BE CONSIDERED:

Approval of Letter of Opposition for Missing Middle Housing Bills

BACKGROUND:

When attending the City Day on the Hill on March 6th, it was noted by the League Representative, Daniel Lightfoot, about the introduction of the Missing Middle Housing Bill that was denied in 2024 has been re-introduced in 2025 but in 7 different bills versus 1 bill. Since that day there has been continued hearings about these bills and have gained momentum through the State Legislature.

With the continued momentum, the League has requested, along with myself, a need to write a letter of opposition to these bills that are being heard in both the House and the Senate. These bills are taking away the city's authority to guide and direct the current zoning uses within our own community. This is not a good way for the State to take away or pre-empt the ability of a City to deny certain uses within a residential or commercial property. These bills need to be addressed at a local level and not at a state level, hence the need for the Letter of Opposition.

CRITICAL ISSUES:

There are no outstanding issues.

RELATIONSHIP TO COUNCIL GOALS:

Encourage Diversity and Manage Thoughtful Development

RECOMMENDATION:

Staff's recommendation is to approve the Letter of Opposition as drafted.

ATTACHMENT(S):

Letter of Opposition for Missing Middle Housing Bills



March 20, 2025

Dear Senator Hoffman,

The City of Dayton respectfully asks you to oppose [SF 2229](#) (“Minnesota Starter Home Act”), [SF 2231](#) (“More Homes Right Places Act”), and [SF 2286](#) (“Transforming Main Street Act”). Cities recognize that there is a housing shortage across the state and across the housing spectrum, though the shortage looks different in each community. Alongside the state, cities play a key role in tackling housing challenges and continue to lead with local solutions. In Dayton we have continued to innovate at the local level and have supported both affordable and market rate development.

Dayton is one of the fastest, if not the fastest, growing communities in Hennepin County and we understand the needs that constituents have with finding affordable and available housing. With this growth, the City Council is keenly aware of the need to create an affordable option for new residents. Affordability has been the discussion around the housing shortage, which we are addressing through new developments and active conversations with developers and home builders.

We are concerned that the aforementioned legislation seeks to broadly limit local decision-making authority on residential development by imposing a rigid state framework on all cities, regardless of their own unique needs and circumstances. These bills would eliminate low-density zoning options, eliminate resident input before our council or planning and zoning commission on virtually all residential development, and strip reasonable local planning and zoning standards, which ensure development compatibility and scale.

Additionally, these bills create significant implementation challenges for our city, increasing costs for taxpayers and complicating zoning and land-use planning, all without guaranteeing more affordable housing or increased development.

While cities, including Dayton, have zoned land for higher density developments in areas where it makes the most sense for our community, these bills would force cities to allow for higher density in all residential areas without regard for strategic planning. This removes the flexibility needed to accommodate local housing needs. Conceptually, this means cities and their residents could no longer responsibly plan for growth and instead, that responsibility would be shifted solely to the developers who would determine what gets built and where.

Though SF 2229, SF 2231, and SF 2286 do not provide viable solutions, we understand that a meaningful city-state partnership is necessary to address housing shortages. We ask you to oppose these bills due to their rigid approach, prescriptive mandates, and lack of flexibility. We look forward to working with you and your colleagues on an alternate approach that is flexible in nature, workable, practical, involves public input, and includes local decision-making so policies can fit each community's unique needs.

Sincerely,

Zach Doud
City Administrator
City of Dayton

Dennis Fisher
Mayor
City of Dayton



March 20, 2025

Dear Representative Nadeau,

The City of Dayton respectfully asks you to oppose HF 1987 (“Minnesota Starter Home Act”), HF 2140 (“More Homes Right Places Act”), and HF 2018 (“Transforming Main Street Act”). Cities recognize that there is a housing shortage across the state and across the housing spectrum, though the shortage looks different in each community. Alongside the state, cities play a key role in tackling housing challenges and continue to lead with local solutions. In Dayton we have continued to innovate at the local level and have supported both affordable and market rate development.

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Sincerely,

Zach Doud
City Administrator
City of Dayton

Dennis Fisher
Mayor
City of Dayton

ITEM:

Approval of Cancelling Tax Abatement Public Hearing

PREPARED BY:

Zach Doud, City Administrator

POLICY DECISION / ACTION TO BE CONSIDERED:

Approval of Cancelling Tax Abatement Public Hearing

BACKGROUND:

As a safety fallback precaution, City staff posted for a public hearing for a tax abatement that was to be given to the developer of the Parkway Neighborhood for construction of a public street. Without knowing the final outcome of the Development Agreement, City staff erred on the side of caution by posting for a public hearing if it was needed.

Since this posting for a public hearing, there were discussions with the developer in regard to the Development Agreement and the Tax Abatement is no longer needed. With a Tax Abatement no longer being needed, the cancelling of the Tax Abatement public hearing needs to happen.

CRITICAL ISSUES:

There are no outstanding issues.

RELATIONSHIP TO COUNCIL GOALS:

Encourage Diversity and Manage Thoughtful Development

RECOMMENDATION:

Staff's recommendation is to cancel the posted public hearing.

ATTACHMENT(S):

None

ITEM

Concept Plan Review of an Industrial/Commercial Development near the Corner of 117th Ave N. and Dayton Darkway

APPLICANT

Oppidan, Inc.

PREPARED BY

Hayden Stensgard, Planner II

BACKGROUND/OVERVIEW

Oppidan, Inc. has submitted a concept application for a future industrial building located near the intersection of Dayton Parkway and 117th Ave. North. The plan consists of a 200,000-square-foot speculative building for warehousing and distribution. The subject property is currently three separate parcels, totaling 32.24 acres (1,404,039 square feet). Between the three parcels within the concept area, two of them have been historically vacant, and the third has a single-family residential home on it, all owned by the same entity (DDL Holdings). The applicant would plat the south 15 acres for the facility in the first phase, and outlot the remaining area for future commercial development. Within the plan as well is a potential location for connecting to the existing trunk sanitary sewer line that currently ends south of the 113th Avenue Cul-de-sac, roughly 1,200 feet from the subject property boundary. Another potential location for utilities accessing this site is within the road right-of-way on 113th Ave N. and the new road that would be the fourth leg of the Dayton Parkway cul-de-sac.

The concept plan review process is designed to receive early input from the public, Planning Commission, and City Council prior to a developer committing large expenditures towards engineering design. A concept plan does not require the level of engineering detail that a site plan or preliminary plat submittal will require. Comments are not binding, nor are they expected to be the only comments on this project. Once a final site plan is submitted the review process begins and additional formal review comments will be provided.

LAND USE & ZONING

The properties have a mixed land use guidance in the 2040 Comprehensive plan as shown, including Commercial in the northeast, Industrial in the west, and Business Park in the south and east. Regarding the south 15 acres of the site where the initial industrial building would be located, both Business Park and Industrial designations reference warehouse and distribution as a consistent use, and would otherwise not require the applicants to apply for a comprehensive plan amendment for that area. The commercial slated for the north portion of the site would require an amendment, due to the western parcel not including any Commercial designation on any portion of the property. Even if the area is proposed to be commercial, though not developed initially, the applicant would be required to apply for a comprehensive plan amendment at the same time as the preliminary plat.



The three properties included in this concept are all currently zoned A-1, Agricultural, and would require a rezoning I-1, Light Industrial, and B-3, General Business, and specific areas for rezoning would be better understood when a preliminary plat document is put together for review. Generally speaking, where on the concept plan it shows commercial buildings and industrial buildings, the zoning would follow those newly created lots accordingly.

The proposed facility would add 200,000 square feet of additional building space that could be occupied by warehousing and distribution uses. Though an end user is not identified, the building will be designed to allow for such uses. In just the last year, 585,000 square feet of warehouse and distribution building space has been switched by manufacturers occupying those spaces (500,000 sq. ft. of the Cubes building for States Manufacturing, and 85,000 sq. ft. of the Opus building for Turbine PRO's).

CONCEPT PLAN ANALYSIS

Because it is a concept plan, the level of detail does not meet what would normally be required for a Preliminary Plat application. With that being said, it is anticipated that the overall development of the south 15 acres would be required to meet the standards set forth for the I-1 district. The applicant has stated through correspondence that a Planned Unit Development would not be necessary for this project. The site plan also shows an area dedicated for outdoor storage that is roughly 38,000 square feet. Screening would be required to comply with the zoning ordinance standard, and given the size of the property, the total outdoor storage area would be limited to two acres. Below are the code standards for industrial-zoned lots in comparison to what is proposed in this concept plan.

	Required	Proposed
Minimum lot size¹	1 acre	15.36 Acres
Maximum impervious surface coverage	80%	<70%
Maximum building footprint coverage	50%	29.9%
Structure height limit	50 feet - above 50 feet requires a CUP	37 feet
Setbacks²		
Building - Principal Structure		
Front yard	30 (50) feet - <i>Plus 1 foot for every 1 foot of building height over 30 feet (maximum setback of 80 feet)</i>	Varies, but closest setback of building to property line is 72 feet.
Side yard	15 (40) feet	Varies, but closest setback of building to property line is 72 feet.

Side yard (street)	30 (40) feet	Varies, but closest setback of building to property line is 72 feet.
Rear yard	15 (50) feet	Varies, but closest setback of building to property line is 72 feet.
Parking		
Front, side, or rear to a street	20 (20) feet	80 feet
Side interior	5 (20) feet	20 feet
Rear yard	15 (20) feet	94 feet
¹ Minimum lot size, width, depth and the like shall not include area of street easements, right-of-way, or common areas.		
² Setbacks in parentheses apply adjacent to all Residential Districts. A 20 foot setback is required for any structure or parking adjacent to any other Residential District.		

The building is placed on the plan with the long portion of the building going east and west with a single access off a future road, what would be the fourth leg of the existing roundabout on Dayton Parkway. One access is also identified at the northeast corner of the site, it is undefined whether this access would be a part of the initial development of the south industrial building.

The applicants did not provide a plan detailing the proposed parking on this site. It is expected that the applicants will provide further detail on a subsequent development application that meets the following standards:

“Industrial, warehouse, manufacturing, processing plant, storage, printing, publishing, handling of bulk goods, garden supply, and building material sales. One space for each employee on maximum shift or 1 space for each 2,000 square feet of floor area, whichever is greater.”

The layout of the building shows the front facing south, the rear and truck and trailer docks to the north, and office space at the southwest corner of the building. In terms of building layout, City staff would recommend that the applicants swap building sides, so the front is facing north towards the wetland, and the rear of the building back up to the existing Dayton Industrial Park. It is anticipated that pedestrian activity will occur on the north side of the development where future commercial is shown. As such, screening from that area for the dock doors and loading area would be a standard requirement to adhere to from the Dayton Zoning Ordinance. It would also be a recommendation by staff to move the office and main entrance of the building from the southwest corner to the northwest corner of the building to face Dayton Parkway.

Dayton Parkway

The applicants have also submitted a plan showing a potential realignment of Dayton Parkway through these properties as requested by staff. The applicants have stated they would not be supportive of this realignment of the road because the south portion of the site would not be developable. Staff will be looking for direction from the Planning Commission and City Council on whether this road realignment is worth pursuing, and at the same time, understand what the potential benefits of the realignment would provide to the City overall. A preliminary understanding of the costs of realigning this portion of Dayton Parkway is anticipated to be over 10 million dollars, with the relocation of the road and utilities. This estimate does not account for any necessary right-of-way acquisitions that may be needed to do what is shown on the last page of the concept plan set, nor does it include any potential costs to improving the intersection of 117th Avenue North and East French Lake Road. The construction of this original extension was completed in 2023, and given the need that States Manufacturing has for Dayton Parkway to maintain its existing alignment in this area, Staff recommends that Dayton Parkway remain as is.

The Planning Commission should discuss whether realigning Dayton Parkway north of 113th Avenue North is a priority given the fairly recent decision to the existing alignment and where it connects into 117th Avenue North. Further consideration of this realignment would ultimately eliminate any potential for a development like the subject concept plan, and could further impact more residential properties than the expected extension route. For reference, a presentation regarding the alignment of Dayton Parkway was presented by City Engineer Jason Quisberg to the City Council on June 11, 2024. That presentation can be found here: [Dayton City Council Meeting - June 11, 2024 - City of Dayton, Minnesota](#).

STAFF COMMENTS

Should the applicant pursue a preliminary plat application for this site, City staff has provided the following comments related to the design of the site. This information references standard development requirements for I-1 parcels from the Dayton Zoning Ordinance.

1. Building Design
 - a. Rotate the proposed building 180 degrees so the loading docks and truck area are adjacent to the South property line.
 - b. Orient the office space of the building to the northwest corner of the building, providing visibility of the space to Dayton Parkway and adjacent areas.
 - c. Enhance architectural design of office area exterior. Such enhancements can include the use of added windows.
 - i. Industrial buildings shall include architectural design consisting of at least three of the following:
 1. Accent materials
 2. A visually pleasing front entry that, in addition to doors, shall be accented a minimum of 150 square feet around the door entrance for single occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element).
 3. Twenty-five percent window coverage on each front that faces a street;
 4. Contrasting, yet complementary material colors;

5. A combination of horizontal and vertical design features;
 6. Irregular building shapes; or
 7. Other architectural features in the overall architectural concept.
 - d. The proposed percentage of floor area devoted to the office area shall be established at the time of the Preliminary Plat and Site Plan Review application.
2. *Building mechanical equipment.* The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed after January 1, 2010 shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the furthest point of the width of the right-of-way from the property line(s) that abut a street. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view. Wood fencing shall not be used for screening.
3. Parking
 - a. Accessory semi-trailer parking shall be permitted on site provided the warehousing component of the building comprises a minimum of 90% of the building area.
 - b. The semi-trailer parking area footprint to building footprint shall not exceed a 0.35:1 ratio. If the semi-trailer parking area footprint exceeds this ratio, the overage shall be counted against the allowable outdoor storage for the site.
 - c. The semi-trailer parking area shall be adequately screened with landscaping from adjacent public rights-of-ways.
4. Outdoor Storage
 - a. The outdoor storage area shall be paved, fenced, and adequately screened. Screening shall be at a minimum of 8 feet in height, at time of installation from street level view and around the perimeter of the open storage area by means of a combination of fencing, landscaping, berming, and/or building placement. Landscaping shall be placed outside and along the perimeter of the fence to soften the appearance of the fence. Landscaping shall consist of a minimum of 2 trees and 5-10 shrubs per 100 feet of fence.
 - b. Pole mounted lighting shall be limited to 20 feet in height. All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential zoned and 1 foot-candle measure on the property line when such line adjoins a similar zone and land use.
 - c. Outdoor Storage shall not be adjacent to roads classified as either major or minor arterials and the storage area shall not abut any land guided residential.
5. Landscaping
 - a. General landscaping of the site shall be consistent with Zoning Ordinance Section [1001.24](#).
 - b. A 35-foot landscape buffer will need to be provided on the property adjacent to Dayton Parkway. Such buffer shall be designed in accordance with Zoning Ordinance Section [1001.24 Subd. 7](#).
 - c. Stormwater ponds shall be landscaped with an average of a 10-foot buffer strip of shade and ornamental trees, evergreens, shrubbery, natural grasses, groundcover and/or

- other plant materials to provide an aesthetically appealing setting. This landscaping shall be in addition to the required landscaping.
- d. Parking lot islands shall include shrubs, perennials, or ornamental grass, and one overstory tree per island.
 - e. An irrigation system shall be installed in all landscaped areas.
6. Wetland – [1001.27](#)
- a. An upland buffer zone along the wetland boundary shall be established that has an average of 25 feet in width, with no portion of the buffer zone under 10 feet in width. All upland buffer zones shall be measured from the edge of the delineated wetland.
 - i. The area within the wetland and upland buffer zones shall be preserved in their natural states and be protected by a conservation easement granted to the City.
7. Lighting shall be downcast shielded lights on all faces, and shall not exceed 1 foot-candles measured at the property lines. A lighting plan and photometric shall be submitted to the City accompanying a subsequent land use application.
8. Sidewalk connections shall be provided to and through the development to existing and planned bus stops, trails, sidewalks, and adjacent properties, where access exists or reasonable connections are possible. If a parking lot lies between the building entry and an adjacent public street, a pedestrian walkway at least 6 feet wide shall be provided between them. Clear internal pedestrian circulation routes shall be provided on the site.
9. *Trash and recyclable materials.* All trash, recyclable materials, and trash and recyclable materials handling equipment shall be stored within the principal structure; 100% shall be adequately screened from public view by the principal building, or stored within an accessory structure constructed of building materials compatible with the principal structure enclosed by a roof and overhead door on tracks. Compactors shall be 100% adequately screened from eye level view from public streets and adjacent properties. Existing uses shall comply with the enclosure requirements listed in this Section within 6 months of receiving notice from the City.

The City Engineer has also provided comments related to this concept plan, and they are attached to this report.

PLANNING COMMISSION MEETING

The Planning Commission discussed this concept plan at their March 6th regular meeting. The Planning Commission concurred that there should be consideration given to re-orienting the building so that the truck area is on the south side of the property. More broadly, the Planning Commission also wishes to meet with the City Council in the near future to discuss land use designations within this area. It has been noted that the existing land use map from the 2040 Comprehensive Plan still aligns with a Dayton Parkway alignment that was not utilized when the parkway was constructed. The land uses within this area should be reevaluated and adjusted to reflect the current alignment of Dayton Parkway.

ATTACHMENTS

Aerial Photo
Concept Plan Set
Architectural Plans
Zoning Map
2040 Comp Plan Future Land Use Map
Engineering Comment Letter, dated March 6, 2025



Hennepin County Locate & Notify Map

Date: 2/20/2025



Buffer Size:

0 205 410 820 Feet

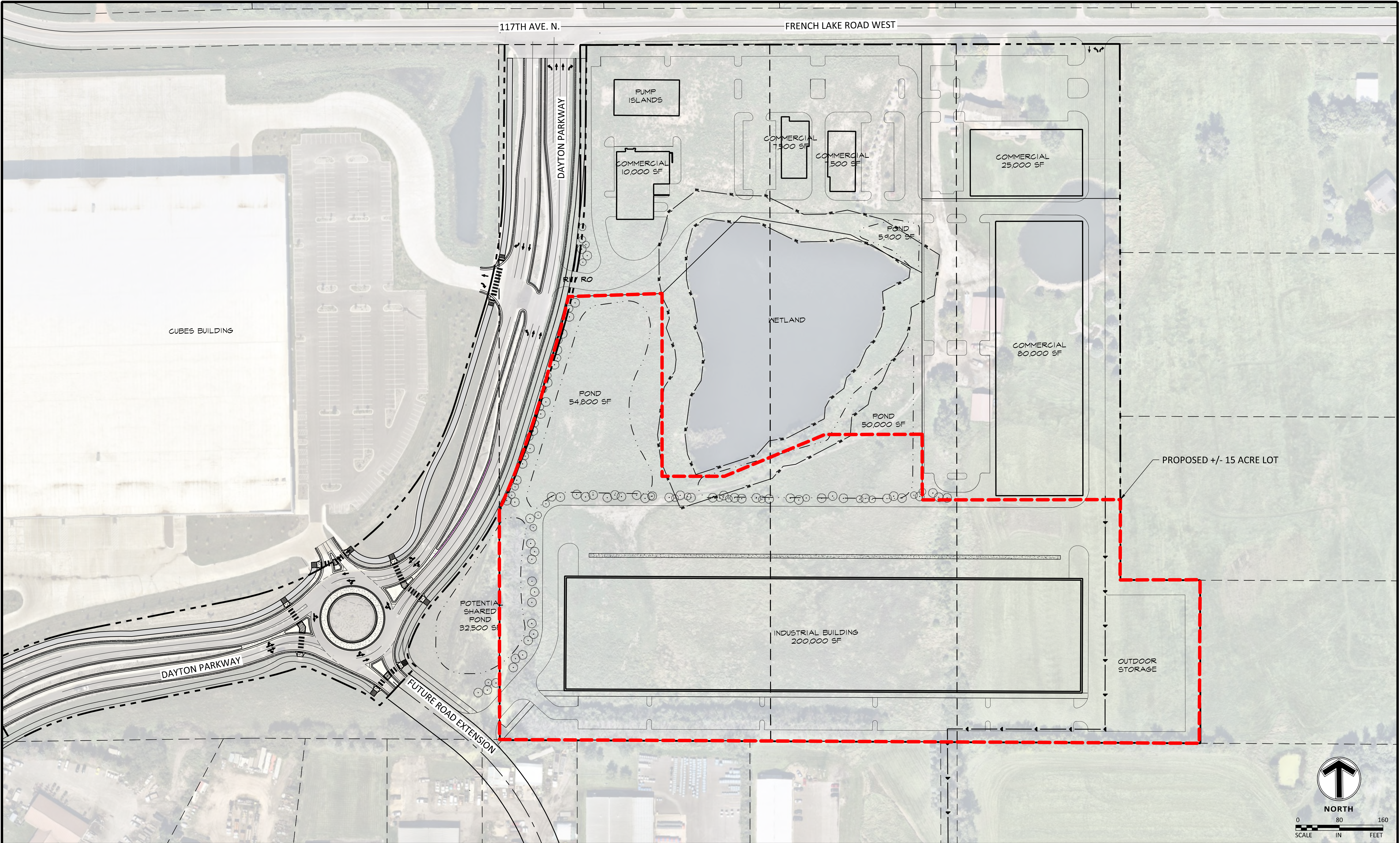
Map Comments:

Oppidan Concept Plan for Industrial Building

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

24.15 (LWS TECH) | SOPHIE GALLANDAT | 1/31/2025 1:48:35 PM
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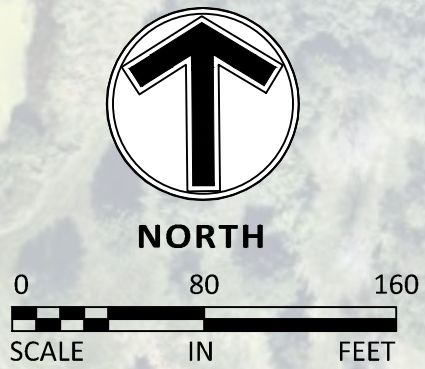


PROJECT NO.
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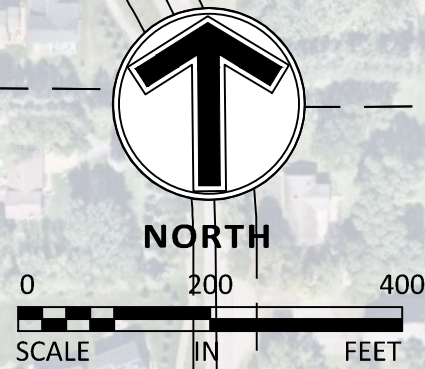
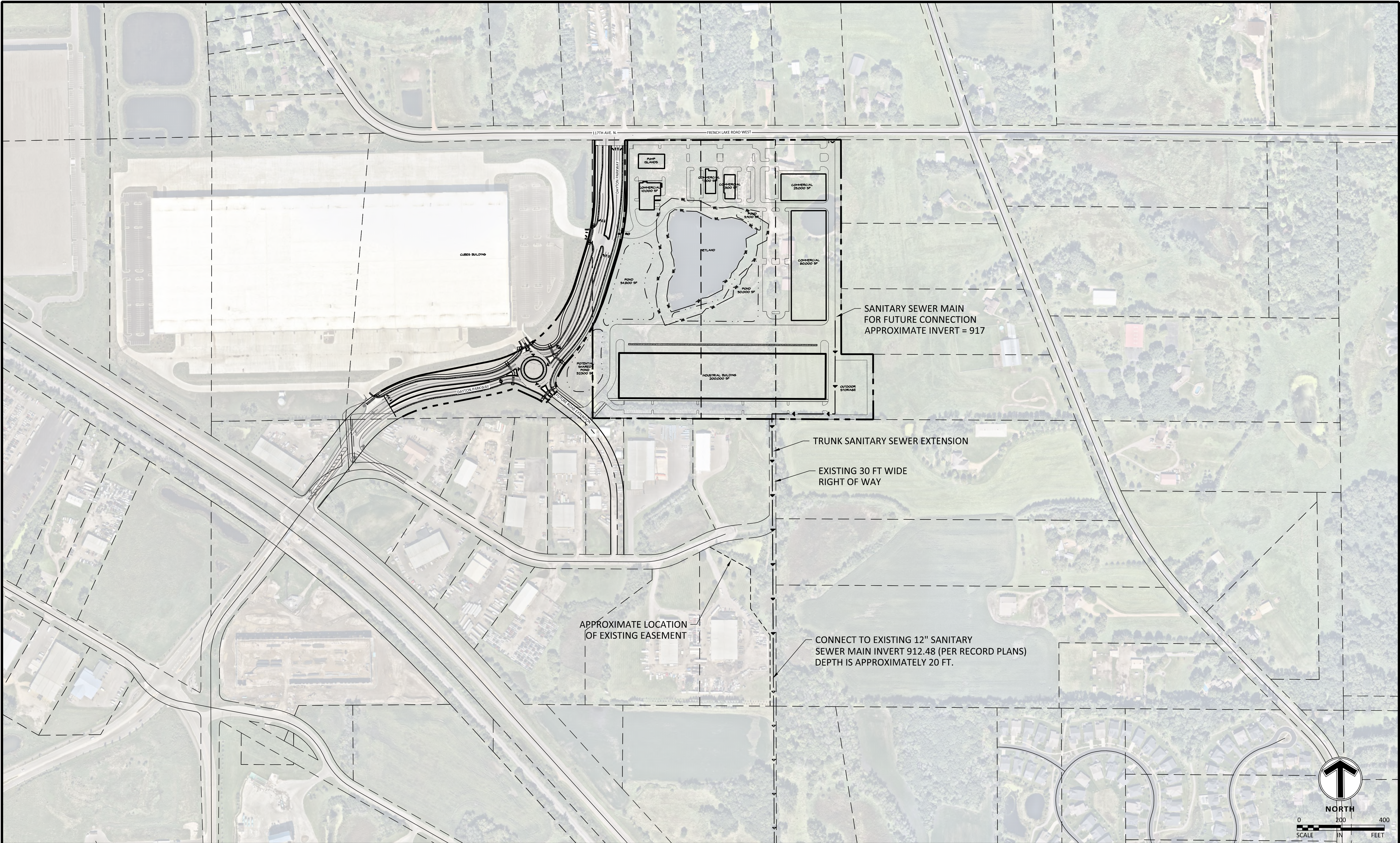


EXHIBIT A
OPPIDAN LLC.
DAYTON MIXED USE
CONCEPT SITE PLAN
DAYTON, MN

SHEET
A
OF
REV.



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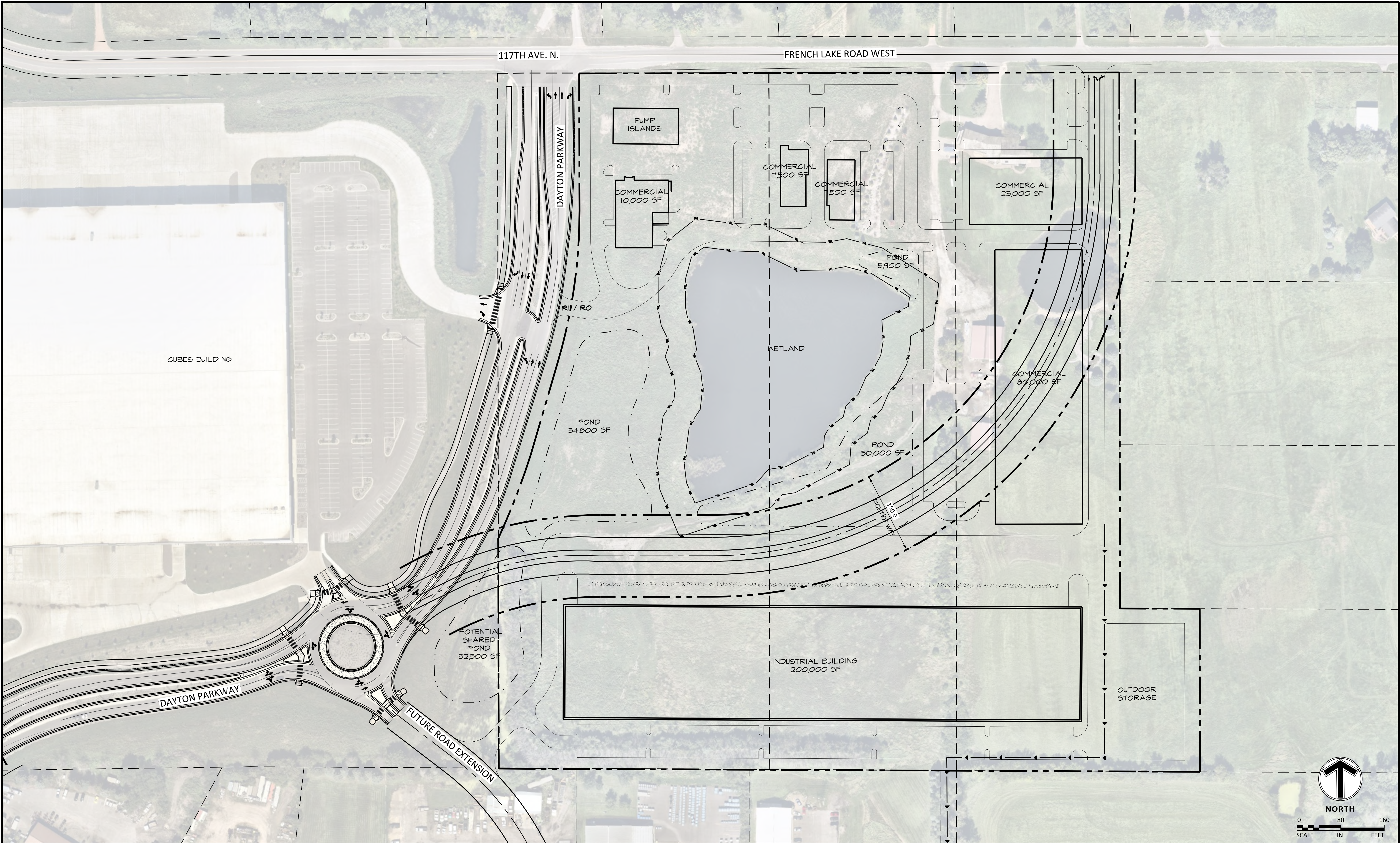


PROJECT NO.
53656

EXHIBIT C
OPPIDAN LLC.
DAYTON MIXED USE
CONCEPT SEWER MAIN EXTENSION
DAYTON, MN

SHEET
C
OF
REV.

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PROJECT NO.
53656



EXHIBIT D
OPPIDAN LLC.
DAYTON MIXED USE
CONCEPT ROAD ALIGNMENT
DAYTON, MN

SHEET
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OF
REV.



DAYTON INDUSTRIAL NEW CONSTRUCTION

DAYTON INDUSTRIAL
DAYTON, MN 55369

PROJ. NO.
25019

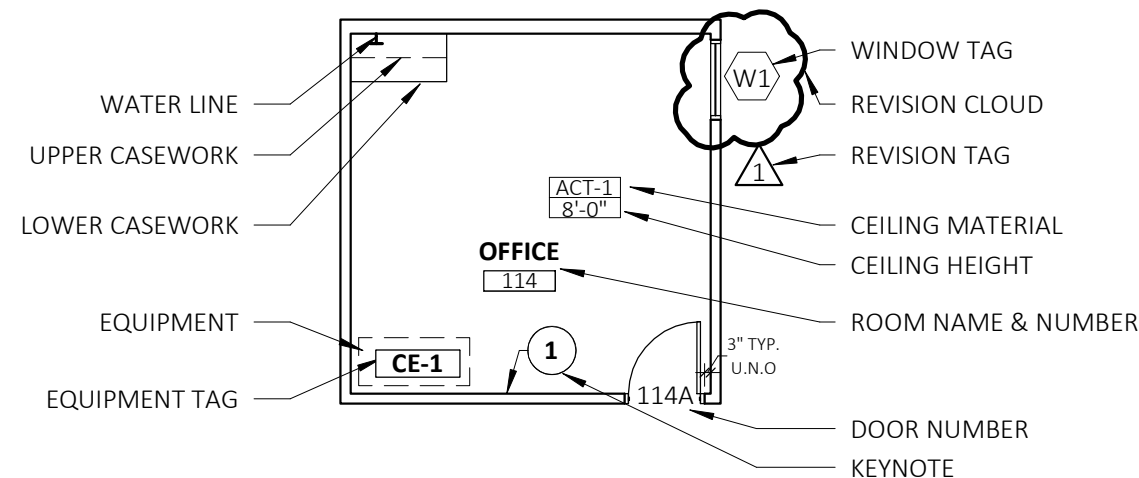
ISSUE DATE
01/31/2025

PROJECT PHASE
CITY SUBMITTAL



DRAWING SYMBOLS

- CENTERLINE INDICATOR
- DETAIL / SECTION INDICATOR
- ELEVATION SYMBOL INDICATING DIRECTION OF VIEW
- ELEVATION INDICATOR
- GRID BUBBLE INDICATING EXISTING GRID LINES
- GRID BUBBLE INDICATING NEW GRID LINES
- SCREENED ARROW INDICATES EXISTING FLOORING
- SOLID ARROW INDICATES NEW FLOORING
- SCREENED LINES INDICATE EXISTING WALLS TO REMAIN
- EXISTING DOOR/ FRAME TO REMAIN
- DASHED LINE INDICATES EXISTING PARTITIONS, CASEWORK, EQUIPMENT AND FIXTURES TO BE REMOVED
- DASHED LINE INDICATES EXISTING DOOR, FRAME, & HARDWARE TO BE REMOVED
- NEW CONSTRUCTION
- NEW DOOR/ FRAME IN NEW OR EXISTING WALL
- PARTIAL HEIGHT PARTITION



AREA PLAN



SHEET #	SHEET DESCRIPTION	
GENERAL		
A000	SHEET COVER	
ARCHITECTURAL		
A200	CONCEPT PLAN AND ELEVATIONS	



EXTERIOR ELEVATION - SOUTH EAST CORNER

1000 Twelve Oaks Center Drive
Suite 200, Wayzata, MN 55391
T: 952-426-7400
F: 952-426-7440

MohagenHansen.com

CERTIFICATION

NOT FOR CONSTRUCTION

PROJECT TEAM

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NOT FOR
CONSTRUCTION

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

DAYTON INDUSTRIAL
NEW CONSTRUCTION

DAYTON INDUSTRIAL
DAYTON, MN 55369

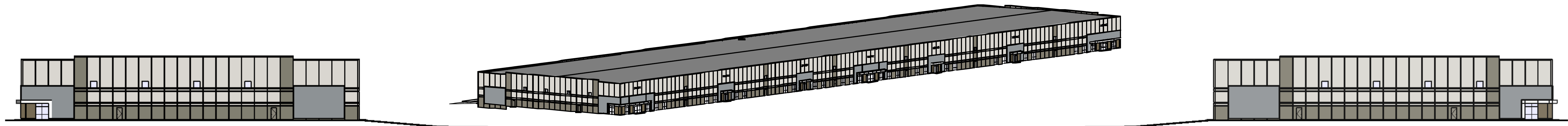
NO.	DESCRIPTION	DATE
	CITY SUBMITTAL	01/31/2025

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DRAWN BY: J. JOHNSON
CHECKED BY: S. PAETZEL / T. MOHAGEN
DATE: 01/31/2025
COMPUTER DIRECTORY:
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CONCEPT PLAN
AND ELEVATIONS



2
A200
CONCEPT ELEVATION - SOUTH
1/32" = 1'-0"



4
A200
CONCEPT ELEVATION - EAST
1/32" = 1'-0"

7
A200
CONCEPT ISOMETRIC

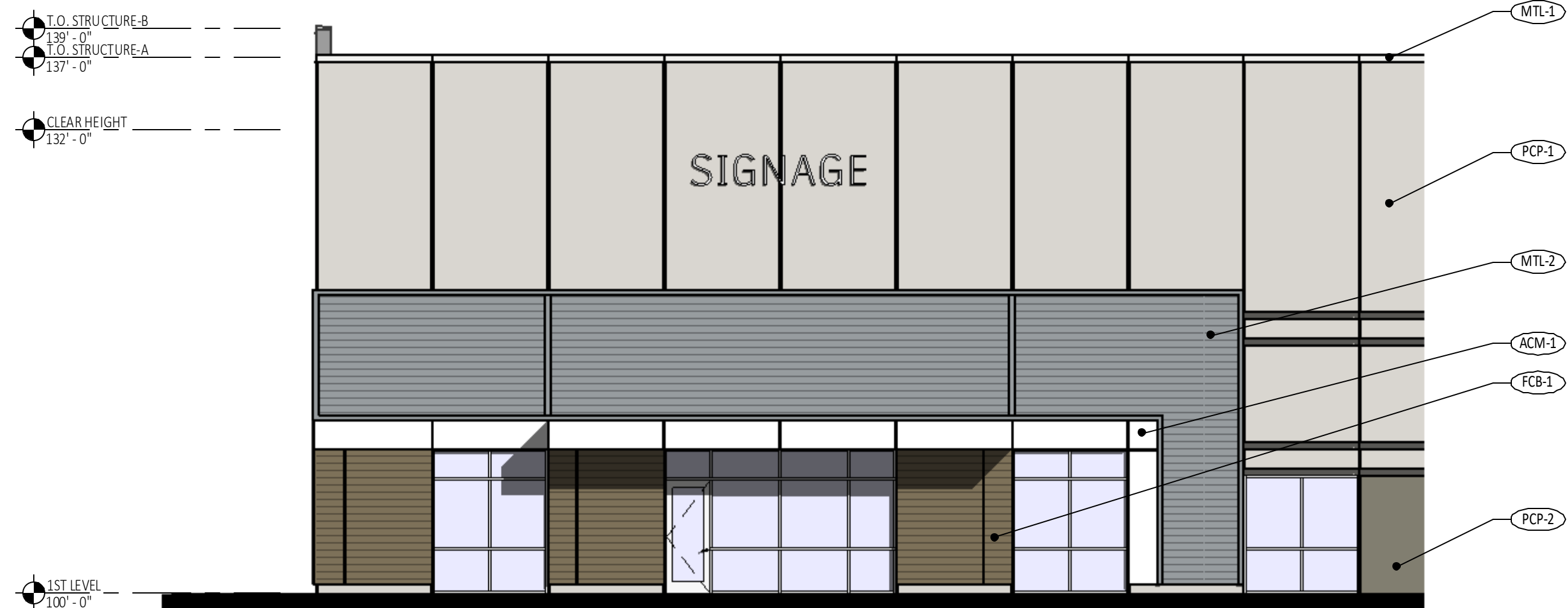
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A200
CONCEPT ELEVATION - WEST
1/32" = 1'-0"



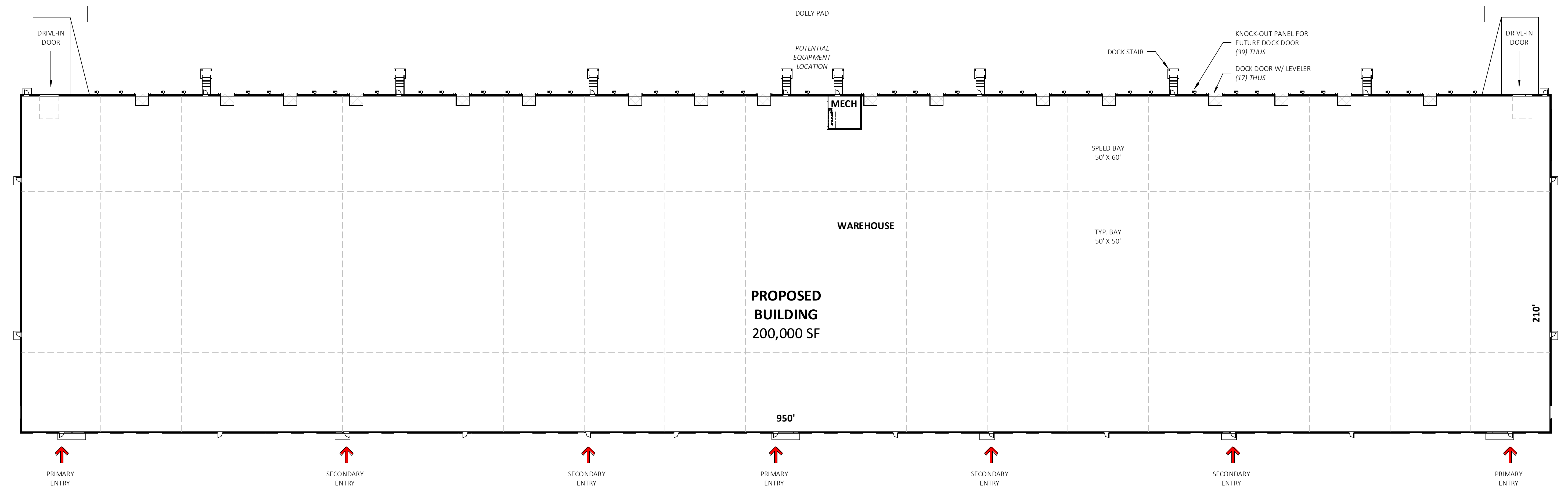
3
A200
CONCEPT ELEVATION - NORTH
1/32" = 1'-0"

EXTERIOR MATERIALS LEGEND

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TYPE: INSULATED VERSACORE+GREEN SANDWICH.
FINISH: STEEL FORM FINISH PRECAST PANEL - PAINTED.
COLOR: TBD.
- PCP-2** PRE-CAST PANEL: FABCON.
TYPE: INSULATED VERSACORE+GREEN SANDWICH.
FINISH: STEEL FORM FINISH PRECAST PANEL - PAINTED.
COLOR: TBD.
- FCB-1** FIBER CEMENT BOARD PANEL: NICHIIHA.
FINISH: WINTAGE WOOD.
COLOR: PREFINISHED TBD.
- P-1** PAINT: SHERWIN-WILLIAMS.
COLOR: TO MATCH PAINT PCP-1 PAINT COLOR.
- P-2** PAINT: SHERWIN-WILLIAMS.
COLOR: TO MATCH PAINT PCP-2 PAINT COLOR.
- MTL-1** METAL COPING AND TRIM: FIRESTONE.
FINISH: UNICLAD.
COLOR: PREFINISHED TBD.
- MTL-2** METAL CONCEALED FASTENER PANEL: FIRESTONE.
FINISH: UNICLAD.
PATTERN: DELTA 16-F RIBBED.
COLOR: PREFINISHED TBD.
- MTL-3** METAL SOFFIT PANEL: FIRESTONE.
FINISH: UNICLAD.
PATTERN: UC-500.
COLOR: TBD.
- ACM-1** ALUMINUM COMPOSITE METAL PANEL: ALFREX OR EQ.
FINISH: FLUSH.
COLOR: PREFINISHED TBD.
- NOTES:**
1. ALUMINUM STOREFRONT / CLERESTORY FRAMES: CLEAR ANODIZED ALUMINUM.
 2. GLAZING: GREY TINT.
 3. PRECAST OPENING AT STOREFRONT: PAINT TO MATCH CLOSEST ADJACENT MATERIAL EITHER PRECAST FACE, MTL, OR ACM.
 4. OVERHEAD DOCK DOORS: PRE-FINISHED WHITE.
 5. PRECAST OPENING AT OVERHEAD DOCK DOORS: PAINT TO MATCH CLOSEST ADJACENT MATERIAL EITHER PRECAST FACE, MTL, OR ACM.
 6. OVERHEAD DOCK BUMPERS: PRE-FINISHED BLACK.
 7. HM DOORS: ALL DOORS TO BE PAINTED P-1, U.N.O.
 8. DOCK STAIRS: ALL DOCK STAIR COMPONENTS GALVANIZED.
 9. CANOPY SOFFIT: ACM-1.
 10. BOLLARDS: PAINTED: "OSHA YELLOW".
 11. SAMPLES: PROVIDE SAMPLES FOR CLIENT AND ARCHITECT TO REVIEW BEFORE CONSTRUCTION.
 12. MOCK-UP: PROVIDE MOCK-UP OF EACH PAINT COLOR FOR CLIENT AND ARCHITECT TO REVIEW ONSITE.
 13. EXTERIOR LIGHTING: SEE LIGHTING CONSULTANT'S DRAWINGS AND SPECIFICATIONS.



6
A200
CONCEPT ENLARGED ELEVATION - SOUTH
1/8" = 1'-0"



1
A200
CONCEPT FLOOR PLAN
1/32" = 1'-0"

Zoning Map

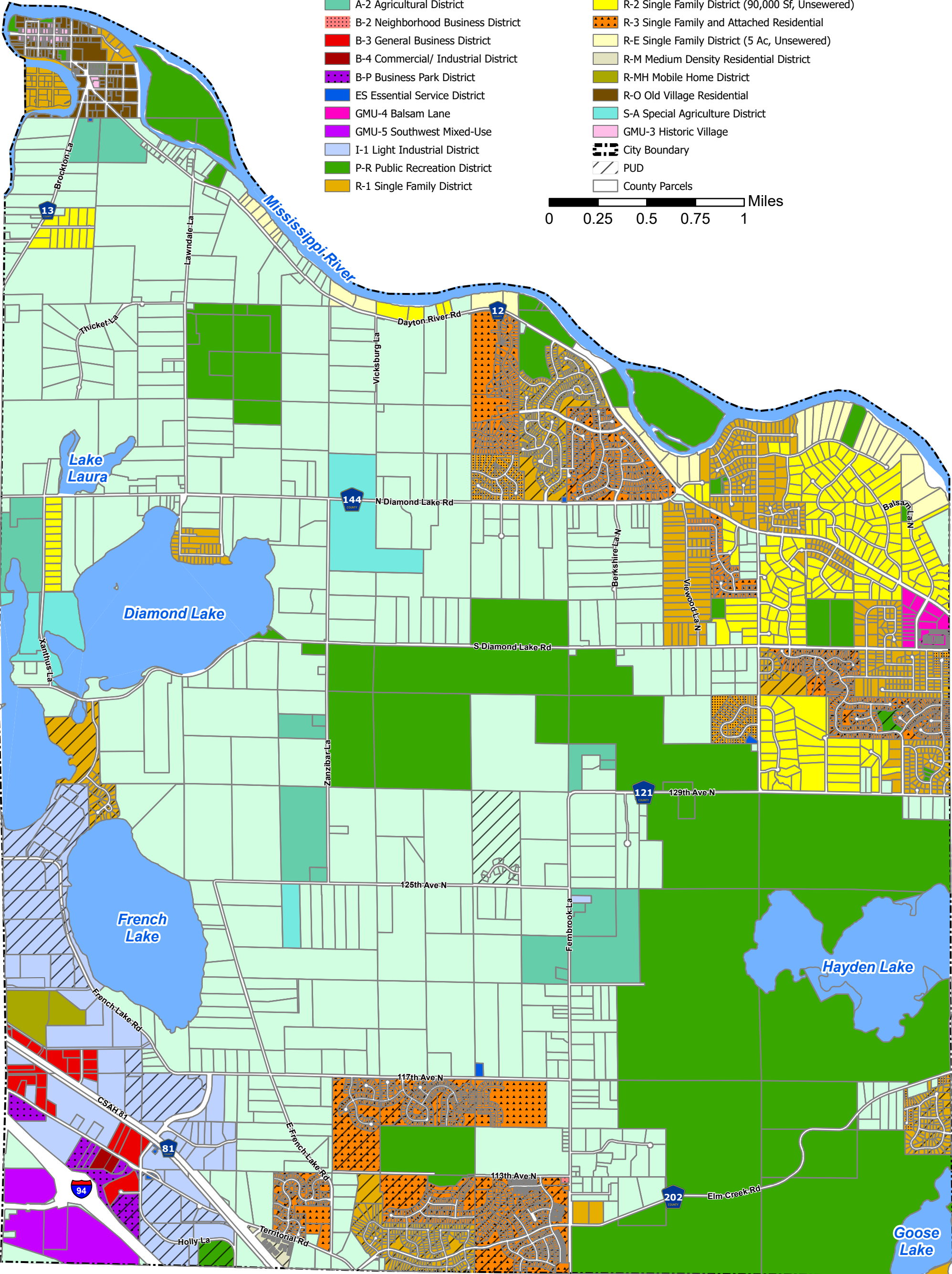
January 24, 2025



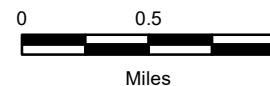
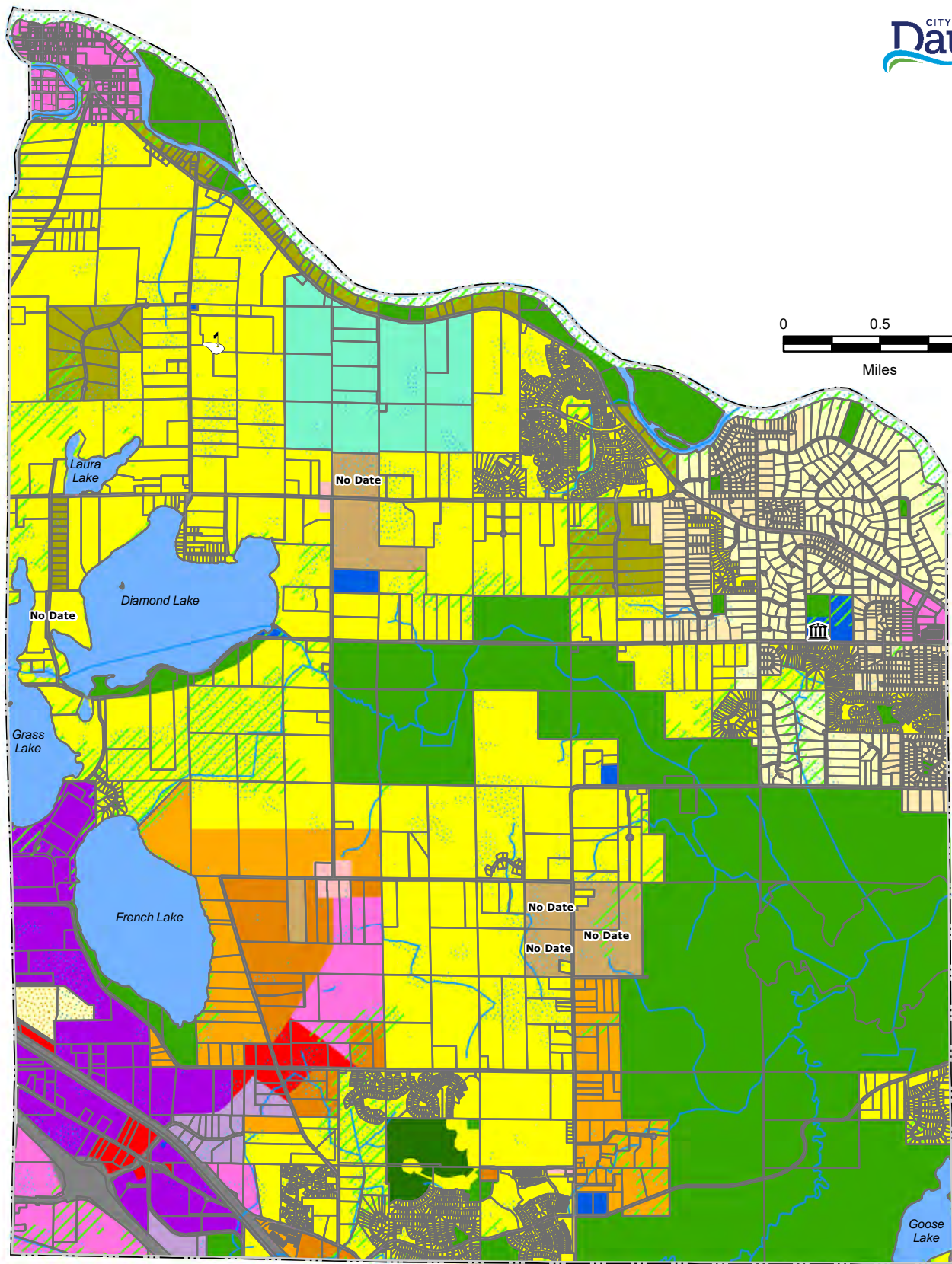
Legend

- | | |
|-------------------------------------|---|
| A-1 Agricultural District | R-1A Single Family Residential |
| A-2 Agricultural District | R-2 Single Family District (90,000 Sf, Unsewered) |
| B-2 Neighborhood Business District | R-3 Single Family and Attached Residential |
| B-3 General Business District | R-E Single Family District (5 Ac, Unsewered) |
| B-4 Commercial/ Industrial District | R-M Medium Density Residential District |
| B-P Business Park District | R-MH Mobile Home District |
| ES Essential Service District | R-O Old Village Residential |
| GMU-4 Balsam Lane | S-A Special Agriculture District |
| GMU-5 Southwest Mixed-Use | GMU-3 Historic Village |
| I-1 Light Industrial District | City Boundary |
| P-R Public Recreation District | PUD |
| R-1 Single Family District | County Parcels |

0 0.25 0.5 0.75 1 Miles



2040 Future Land Use



Legend

City Boundary	Greenway Overlay	Rural Estate	Existing Mobile Home Park	Mixed Use	Public/Institutional
Parcel Boundary	Agricultural Preserve	Low Density Residential	Master Planned Development	Business Park	Open Water
City Hall	Existing Unsewered Low Density Residential	Medium Density Residential	Neighborhood Commercial	Industrial	Right-of-Way
Golf Course	Existing Sewered Low Density Residential	High Density Residential	Commercial	Park & Open Space	
National Wetlands Inventory				Golf Course	

To:	Jon Sevald	From:	Jason Quisberg, Engineering Nick Findley, Engineering
Project:	Oppidan Concept Plan	Date:	03/06/2025

Exhibits:

This Memorandum is based on a review of the following documents:

1. Oppidan Concept Plan Exhibits by Sambatek, undated, 4 sheets

Comments:General

1. The concept reviewed comprises a total area of 32.24 acres and is located along Dayton Parkway and 117th Ave N. The property is uniquely shaped polygon with approximately 1200 ft along Dayton Parkway and 1000 ft along 117th Ave N.
2. These review comments are essentially very high level; the concept plan provides little detail beyond the street locations and individual buildings. Ultimately, a complete plan submittal will be required, providing site plans that include street and roadway details, grading and drainage plans, water and sewer utilities, a preliminary plat, and other detailed plans as required by the City. Existing easements and any planned or proposed easements, including conservation easements should be identified, and, if present, the layout adjusted accordingly. New easements for utilities, stormwater detention, and other improvements will all be needed as well.
3. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
4. In addition to engineering related comments per these plans, the proposed plans are subject to addition planning, zoning, land-use, and other applicable codes of the City of Dayton. In accordance with the City's Land Use Plan, portions of the property will need to be rezoned to accommodate the development. Current zoning for a portion of the site is A-1 Agricultural, and the City's Comprehensive Plan shows this as a current land use area.
5. It is expected that previous/current plans including the West French Lake Road Improvements and Dayton Parkway Plans, site conditions, and other design data will be referenced, particularly with regards to stormwater and drainage. Publicly and privately maintained facilities (streets, utilities, detention ponds, etc.) will need to be identified clearly, including maintenance responsibilities (City, owner, etc.).
6. Final approval by the Elm Creek Watershed Management Commission must be attained before any site grading or activity may commence.
7. For any site activity (demo, grading, utilities, etc.) no closures or restrictions of any kind shall be imposed upon the public use of Dayton Parkway or 117th Ave N without the

City's permission. Should any lane restrictions be necessary, the Contractor shall notify the City at least 48 hours in advance and provide a Traffic Control Plan.

8. Any underlying easements no longer necessary must be vacated.
9. Outlots shall be covered by drainage and utility easements.
10. Any/all existing septic systems and private wells on the property shall be removed and abandoned in accordance with applicable rules and regulations. Plans shall depict the removal/abandonment of these systems.
11. Improvements along 117th Ave N including road improvements and watermain extension are to be considered. It is anticipated that at least a portion of the funding would come from developer participation in this area.

Plat

12. Provide right of way as required in the southwest corner of the site for the future road extension.
13. Provide a 50' half right of way along 117th Ave N.
14. The city is in the process of acquiring right of way along the future street extension corridor. No work is to take place within this area until the necessary agreements are finalized.
15. Appropriate easements to be located over shared ponds and utilities, including storm sewer, watermain, and sanitary sewer. If storm water improvements are deemed private a maintenance access agreement will be required.

Wetlands

16. Encroachment of existing wetlands is shown within the site, any disturbances are to be properly permitted through the applicable entities.
17. Wetland buffers will be required along with signage in accordance with standard detail GEN-10.

Erosion Control/SWPPP

18. A MPCA/NPDES construction stormwater permit is required for the site. Sediment and erosion control plans shall be consistent with the general criteria set forth by the most recent versions of the Minnesota Stormwater Manual and the NPDES Construction site permit.

Transportation

19. The schedule, funding, and layout of the proposed future road extension is to be discussed further.

Site Plans

20. Truck traffic shall enter and exit the site via Dayton Parkway. Provide a gate, bollards, or other feature to discourage the use of 117th for trucks related to industrial use.
21. Secondary access shown connecting to 117th shall be provided during the first phase of construction for this site.
22. The ownership of roadways within the commercial area is to be evaluated as the plans for that portion of the site develop.

23. Provide turning movements showing the ability of a WB-67 truck to navigate the proposed industrial site.

Grading /Stormwater

24. For the preliminary plat application, a complete grading plan shall be provided which includes proposed grades, elevations at lot corners, identification, and labeling of all emergency overflow elevations (EOF's), identification of proposed grades and all drainage swales, and any other topographic information relevant to site design.
25. A City of Dayton Land Disturbance Permit will be required.
26. A complete stormwater management plan shall be included in the preliminary plat application. The Stormwater Management Plan should follow Dayton and MPCA stormwater rules and regulations. The reports should include rate control for the 2-,5-,10-,100-year 24-hour MSE 3 rainfall events. Dayton requires load reduction achieved by abstracting 1.1 inch from net new impervious or no net increase in TP or TSS, whichever is lower. Information must also be provided showing all high-water levels, proposed building floor elevations, and other critical features. In addition, a stormwater application with the Elm Creek Watershed will be required. The applicant shall assure that stormwater management devices are provided to meet City of Dayton and Elm Creek Watershed standards.
27. Overall runoff and drainage related to this development will overlap with adjacent properties and previous development phases. The stormwater management plan must show how runoff and detention areas between properties and phases are being routed and accounted for in an overall plan. In other words, the stormwater management plan must address runoff and discharge from both a local (this development) and a regional approach that includes neighboring properties, Dayton Parkway, and 117th Ave N.
28. The maintenance of stormwater detention areas will need to be defined.
29. Maintenance, including irrigation of any common areas shall be discussed. The reuse of water for irrigation purposes is highly encouraged.
30. Any ponds or detention areas shall have a 10' access around the pond with appropriate grading for access using maintenance vehicles.
31. A Hydrocad report shall be submitted with the preliminary plat documents for complete stormwater review.
32. Please note that the site hydrology or hydraulics should be reflected in the overall SWMP for both this site and adjacent properties.
33. Upon further design, low floors adjacent to ponds/wetlands/other depressions must have 2 foot of freeboard above the modeled 100-yr high water level (HWL). This includes offsite low and depression areas adjacent to this site.
34. The City of Dayton's Local Surface Water Management plans requires that the storm sewer system must be designed to handle a 10-year event.
35. Sufficient volumes in the shared pond must be preserved for the City's benefit. The volume required for this has not yet been determined but is anticipated to include as much of the future roadway connecting to 113th and the adjacent property to the west as feasible.

March 6th, 2025

Oppidan Concept Plan

Jon Sevald

Page 4 of 4

Watermain/Sanitary Sewer

36. Watermain connections are not shown within the provided plans, connections are to take place at existing services or stubs. Connections requiring removals within Dayton Parkway will not be allowed.
37. Watermain connections throughout the overall site shall be looped and provide the ability to isolate individual sites when required for maintenance.
38. Extension of the trunk sanitary sewer is being evaluated and may vary from what is currently proposed on the plans. Developer involvement in the construction is yet to be determined.
39. At this time, it is presumed that all water and sewer infrastructure within the development will be publicly owned. However, this will need to be discussed further as actual site and utility plans are developed further.

End of Comments

ITEM:

The Parkway Neighborhood Final Plat

APPLICANT:

Michael Elzufon, WME Real Estate Holdings, LLC

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Motion to Approve the Final Plat of The Parkway Neighborhood

BACKGROUND:

The Parkway Neighborhood consists of a market rate multi-family development located southwest of I-94 and Dayton Parkway.

Phase 1	180 unit apartment building
Phase 2	273 unit apartments & townhomes, club house
Phase 3	TBD unit apartment building

The current project is limited to the Final Plat of Phase 1 (Lot 1, Block 1), streets and outlots. On November 26, 2024, the City Council approved the Comprehensive Plan Amendment, Conservation PUD, Preliminary Plat, and Site Plan (Resolution 65-2024).

CRITICAL ISSUES:

None.

COMMISSION REVIEW / ACTION (IF APPLICABLE):

N/A

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Dec 5, 2024 (Final Plat)	-	Apr 4, 2025

RELATIONSHIP TO COUNCIL GOALS:

Build Quality Infrastructure
Planning Ahead to Manage Thoughtful Development
Create a Sought After Community

BUDGET IMPACT:

N/A

RECOMMENDATION:

Staff recommends Approval.

ATTACHMENT(S):

CITY COUNCIL REGULAR MEETING

Site Plan

Rendering (Phase 1 & 2)

Resolution 65-2024 (Preliminary Plat)

Resolution 18-2025 (Final Plat)

Exhibit A Final Plat

Exhibit B Development Agreement



- 1** New Roadway Right-Of-Way (3.00 acres)
- 2** Future Retail Site (2.54 acres)
- 3** Regional Trail Right-of-Way (1.50 acres)
- 4** High Density Residential and/or Hospitality (6.38 acres)
- 5** Existing Wetland and Natural Area (6.08 acres)
- 6** Project 1: Parkway Apartments (5.81 acres)
- 7** Existing Wetland Area (3.26 acres)
- 8a** Phase II: The Flats (6.53 acres)
- 8b** Phase II: The Cove (4.46 acres)
- 8c** Phase II: Townhomes and Clubhouse (3.05 acres)
- 9** Floodplain Mitigation Area/Park Land (13.17 acres)
- 10** Existing Wetland and New Stormwater Area (13.53 acres)

① SD Site Plan Drawing
1" = 100'-0"



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

RESOLUTION No. 65-2024

**APPROVAL OF COMPREHENSIVE PLAN AMENDMENT TO AMEND THE 2040 STAGING
PLAN FROM “2020” TO “CURRENT”; AND, ZONING MAP AMENDMENT, FROM A-1
AGRICLUTURAL TO GMU-5 GENERAL MIXED-USE DISTRICT-5 SOUTHWEST MIXED
USE; AND PLANNED UNIT DEVELOPMENT; AND PRELIMINARY PLAT OF
THE PARKWAY NEIGHBORHOOD**

WHEREAS, WME Real Estate Holdings, LLC (Applicant) has applied for a Comprehensive Plan Amendment, Zoning Map Amendment, Planned Unit Development, and Preliminary Plat approval of The Parkway Neighborhood, consisting of one lot, and five outlots; and,

WHEREAS, the unaddressed property is generally located at the southeast intersection of Interstate 94 and Dayton Parkway, and is legally described as:

Parcel 1 (PID: 31-120-22-34-0009)

That part of the West half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, also that part of the East half of the Southwest Quarter of said Section 31, all lying Southwesterly of the Southwesterly right-of-way line of Highway No. 94 and Northerly of the center line of Rush Creek except that part of the West 639.57 feet lying North of the South 400 feet thereof; and except that part lying Northerly of the following described line: commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter in said Section 31 with the Southerly line of Dayton Industrial Boulevard as dedicated in the Plat of Brockton Crossing; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to the Southwesterly line of said Highway No. 94 and there terminating.

Parcel 2 (PID: 31-120-22-34-0007)

The West 639.57 feet of the East Half of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota which lies southwesterly of the southwesterly line of Dayton Industrial Boulevard as dedicated on the plat of BROCKTON CROSSING and which lies Northerly of the South 400.00 feet thereof.

Parcel 3 (PID: 31-120-22-31-0004)

That part of the West half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, also that part of the East half of the Southwest Quarter of said Section 31, all lying Southwesterly of the Southwesterly right-of-way line of Highway No. 94 and except that part lying Southerly of the following described line: commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter in said Section 31 with the Southerly line of Dayton Industrial Boulevard as dedicated in the Plat of Brockton Crossing; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle

point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to the Southwesterly line of said Highway No. 94 and there terminating.

COMPREHENSIVE PLAN AMENDMENT

WHEREAS, the Applicant requests the 2040 Comprehensive Plan, Figure 4: Staging Plan be amended such that the applicable properties (The Parkway Neighborhood) change from “2020” to “Current”; and,

WHEREAS, City Code 1002.14 establishes a Growth Management Policy and criteria to open the next sewer stage (from “2020” to “Current”). The City Council finds that essential resources, facilities and services are available to serve the area southwest of I-94, including Dayton Creek Addition.

NOW, THEREFORE BE IT RESOLVED, the City Council authorizes Staff to solicit adjacent governmental units and affected school districts for their review, and to submit the Comprehensive Plan (2040 Staging Plan) to the Metropolitan Council for review.

CONSERVATION PLANNED UNIT DEVELOPMENT

WHEREAS, the purpose of a Planned Unit Development (PUD) is to encourage a more creative and efficient development of land and its improvements through the preservation of natural features and amenities than is possible under the more restrictive application of zoning requirements; and,

WHEREAS, the City may approve the PUD only if it finds that the development satisfies all of the following standards (City Code 1001.10, Subd 3) (**Findings of Fact** *in italics*):

- a. The Planned Unit Development is consistent with the Comprehensive Plan of the City.

The 2040 Comprehensive Plan guides the project area as Mixed Use and Greenway Overlay. Mixed Use is intended for 60/40% residential/commercial use. Residential density is intended to be 12-20 units per net acre.

FINDING: *The Parkway Neighborhood planned Mixed Use (net acres) is 88% residential and 12% commercial. Residential net density is:*

*Lot 1, Block 1: 30.8 units p/acre.
Outlot B: 54.0 units p/acre
Outlot C: 15.8 units p/acre*

The following relates to the Greenway Overlay:

Land Use:

Paraphrased (page 5.16); the city will assure that development within the greenway corridor will conserve high quality natural resources, such as significant tree stands through conservation easements.

FINDING: *60% of significant trees (DBH) will be preserved. Total trees preserved is 1,026, primarily on Outlot B. This area shall be included in a conservation easement.*

Paraphrased (page 5.26); development within the Greenway Overlay Corridor, shall be through a Conservation PUD.

Natural Resources Goal 3:

Conserve rural vistas, viewsheds, open spaces, wetlands and other environmental features and reduce the impacts of future growth and development activities:

Policy 5 Promote the use of plant species native to Hennepin County and/or central Minnesota in landscape plans to help enhance habitat value. This is especially relevant for properties within greenway corridors or adjacent to high quality natural areas.

FINDING: *The project significantly impacts wetlands on Outlots A and B. Mitigation is proposed. The project will provide a significant viewshed of wetlands and floodplain, about ½ mile viewshed depth. This viewshed will be publicly viewed from a regional trail.*

Vegetation along the slope of the street will be a dry prairie general seed mix.

Natural Resources Goal 4:

Continue to conserve greenways that link unique or ecologically significant natural areas.

Policy 2: Continue to follow the Greenway Corridor Plan that identifies key links and establish greenways that residents can utilize and enjoy as property is developed.

- b. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation or creation of unique amenities such as natural streams, stream banks, wooded cover, rough terrain, manmade landforms or landscaping and similar areas.

FINDING: *The project will mitigate wetland and floodplain impacts by expanding an existing large wetland complex, establishing an environmental corridor along a regional trail, and providing an expansive viewshed.*

- c. The Planned Unit Development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The development plan shall not have a detrimental effect upon the neighborhood or area in which it is proposed to be located.

FINDING: *There are no existing developments adjacent to the project. The project will be in harmony with the approved (unbuilt) Dayton Creek Addition, as both projects will be conservation PUD's.*

- d. The Planned Unit Development provides transitions in land use in keeping with the character of adjacent land use and provides variety in the organization of site elements and building design.

FINDING: *The project will include a variety of product type and character. The project will be completed in four phases. Phase 1 will include a 180-unit apartment building. Additional phases will vary in density and architectural character.*

- e. The tract under consideration is under single ownership or control.

FINDING: *The project includes three parcels and two owners (Gordon Roberg and City of Dayton). The project is under control by the applicant (WME Land Holdings, LLC).*

- f. Public benefits shall be included in each development and considered as part of the review of the overall Planned Unit Development and as an opportunity to support any deviations from the primary zoning ordinance provisions and performance standards. Public benefits, that may be considered, include but are not limited, to the following:

1. Preservation or creation of increased public or private open space (above what is excluded in net calculation).
2. Increased park land dedication beyond the required park dedication amount when land is required by the ordinance.
3. Expansion of existing open space or open space corridors and/or linking open space corridors beyond borders of the site.
4. Preservation of existing natural resources, the sites natural topography, existing buffers and woodlands (as may be mapped as the greenway corridor on the land use plan) beyond minimum required by ordinance.
5. Site amenities: private parks, enhanced pedestrian scale and decorative street lighting, tot lots, trails (above what is required by ordinance), recreational facilities, community center, pools or other on-site amenities which serve the entire development.
6. Stormwater re-use system for common area and individual lots irrigation system.
7. Multiple development wide enhanced entry features including the following elements: monument signage with decorative lighting, water feature and enhanced entry landscaping surrounding the monument.

FINDING: *Public benefits include creation/expansion of wetlands/floodplain creating a larger viewshed (this is not above what is required). There will not be an increased parkland dedication. Existing natural resources (e.g. woodland on Outlot B) will be preserved as a conservation easement at the time Outlot B develops. Site amenities include private swimming pool (Lot 1, Block 1) and private recreational facilities (Outlot C), and future public trailhead (Outlot A).*

A stormwater re-use system has not been considered. Signage has not been considered.

- g. The Planned Unit Development will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the Planned Unit Development.

FINDING: *The project will not create an excessive burden on public facilities. The project is not within close proximity to any recreational parks (other than planned regional trail on-site). Recreation will be dependent upon private on-site facilities. The project is within the Osseo School District #279 (Fernbrook Elementary, Osseo Middle, Maple Grove Senior High schools). The project will not create an excessive burden on streets and utilities.*

WHEREAS, City Code 1002.15 provides criteria for Conservation PUD's with the Greenway Corridor, including a hierarchy of protection standards (most important, more important, important). Conservation PUD's allow for deviations from City Code requirements. Such deviations are defined elsewhere in this Resolution. Findings;

FINDING: *Environmental protection standards were considered as part of the completion of an Environmental Assessment Worksheet (EAW) in September, 2024.*

The project is within a Natural Resource corridor which includes portions of Outlots A, B, C, and D and the roadway. The project will impact the Natural Resource Corridor, including fill and mitigation of wetlands for the roadway and Outlot A, and the clearing of existing woodlands (except portion of Outlot B). The woodland in Outlot B is intended to be preserved as a conservation easement at the time Outlot B is re-platted for development. Woodland to be removed does not include a significant number of Heritage Trees. Staff considered if a clump of three oak trees 30" – 36" diameter could be preserved, but cannot as they are located within the proposed right-of-way and/or within close proximity and are about 13' below the planned finished grade of the street. The mitigated wetland and floodplain area will shift the Natural Resource Corridor providing a concentrated corridor along Rush Creek.

The Minnesota Landcover Classification System (MLCCS) classifies portions of the project area as Good Quality (woodland in Outlot C to be cleared), Moderate Quality (woodland in Outlot B to be preserved), and Altered Non-Native Plant Community (other non-farmed areas).

NOW, THEREFORE, BE IT RESOLVED, the City Council considered the applications at its November 26, 2024 meeting. In consideration of the application, Staff Report, Public Testimony, and Planning Commission recommendation, the City Council APPROVES the following deviations from the City Code:

1. Permitted, Conditional, and Interim uses, and design standards shall comply with the GMU-5 zoning district, unless otherwise stated by this and subsequent resolutions.

2. Public Benefits shall be considered as part of the review, and as an opportunity to support any deviations from the GMU-5 and other zoning performance standards. Public Benefits include:
 - a. Future Trailhead on Outlot A.
 - b. Architectural standards and character exceed the minimum required in the GMU-5 district.
 - c. A Conservation Easement shall be dedicated over portions of Outlot B to preserve woodland.
3. Permitted deviations from the GMU-5 zoning district and other zoning performance standards include:
 - a. Reduction in surface parking on Lot 1, Block 1, from 198 stalls to 165 stalls, and reduction in surface parking stall dimensions from 10' X 20' to 9' X 18' (without overhang).
 - b. Existing billboard shall be permitted as a Secondary Principal Use of Lot 1, Block 1.
 - c. Reduction in landscape plantings on Lot 1, Block 1, from 1,182 shrubs to 426 shrubs. Reduction is justified considering the amount of perennial plantings.

PRELIMINARY PLAT

WHEREAS, in consideration of the application, the Staff Report, public testimony, and consistent with City Code 1002.05, Subd 1(2)(f)(4) (Planning Commission Action), the Planning Commission recommended APPROVAL with the following **Findings**;

- (a) That the proposed subdivision is **NOT** in conflict with the City's Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation.
- (b) That the proposed subdivision is **NOT** in conflict with the purpose and intent of this chapter.
- (c) That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion, and siltation, susceptibility to flooding, water storage, and retention, are such that the site **IS** suitable for the type of development or use contemplated.
- (d) That the site **IS** physically suitable for the intensity or type of development or use contemplated.
- (e) That the design of the subdivision or the proposed improvements are **NOT** likely to cause substantial and irreversible environmental damage.
- (f) That the design of the subdivision or the type of improvements will **NOT** be detrimental to the health, safety or general welfare of the public.
- (g) That the design of the subdivision or the type of improvement will **NOT** conflict with easements on record or with easements established by judgment of a court.
- (h) That the subdivision is **NOT** premature as determined by the standards of Subsection 1002.03 of this section.

NOW, THEREFORE, BE IT RESOLVED, the City Council considered the applications at its November 26, 2024 meeting. In consideration of the application, Staff Report, Public Testimony, and Planning Commission recommendation, the City Council APPROVES the Preliminary Plat with the following conditions:

1. Plans shall be revised to comply with the City Engineer's letter, dated November 7, 2024, and resubmitted for review prior to Final Plat approval.
2. The Development Agreement will include a requirement that the first building construction project (Dayton Creek Addition or Parkway Neighborhood) will construct the emergency access off of 111th Ave (southwest cul-de-sac) in Dayton Creek Addition.
3. The Developer shall construct a trailhead on Outlot A at the time Outlot A is developed. The trailhead shall include dedicated public parking for ten or more vehicles, and public access to indoor bathrooms. Bathrooms may be incorporated into a private development (e.g. public accessible bathrooms in a store).
4. Prior to Final Plat approval, the Developer shall obtain WCA approvals.
5. The Applicant shall submit the Final Plat within one year of Preliminary Plat Approval, or this Approval shall be void.

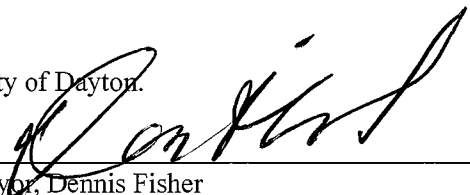
SITE PLAN AND BUILDING PLAN

WHEREAS, City Code 1001.25, Subd 3 requires a Final Site and Building Plan to be approved by the City Council prior to the issuance of any permits for new development or building construction/expansion in any non-residential zoning district. The Parkway Neighborhood is a new development subject to a Final Site Plan and Building Plan; and,

NOW, THEREFORE, BE IT RESOLVED, that the City of Dayton City Council Approves the Site Plan and Building Plan with the following conditions:

1. Lot 1, Block 1, The Parkway Neighborhood building design and materials shall be consistent with Architectural plans, dated October 31, 2023, and Site Plans dated September 11, 2024.

Adopted this 26th day of November 2024, by the City of Dayton.



Mayor, Dennis Fisher

ATTEST



City Clerk, Amy Benting

Motion by Councilmember Fashant, Second by Councilmember Trost.
The Motion passes.

RESOLUTION 18-2025

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

**APPROVAL OF THE FINAL PLAT OF THE PARKWAY NEIGHBORHOOD AND
DEVELOPMENT AGREEMENT**

WHEREAS, WME Real Estate Holdings, LLC (Applicant) has applied for Final Plat approval of The Parkway Neighborhood, consisting of one lot, and five outlots; and,

WHEREAS, the unaddressed property is generally located at the southwest intersection of Interstate 94 and Dayton Parkway, and is legally described as:

Parcel 1 (PID: 31-120-22-34-0009)

That part of the West half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, also that part of the East half of the Southwest Quarter of said Section 31, all lying Southwesterly of the Southwesterly right-of-way line of Highway No. 94 and Northerly of the center line of Rush Creek except that part of the West 639.57 feet lying North of the South 400 feet thereof; and except that part lying Northerly of the following described line: commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter in said Section 31 with the Southerly line of Dayton Industrial Boulevard as dedicated in the Plat of Brockton Crossing; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to the Southwesterly line of said Highway No. 94 and there terminating.

Parcel 2 (PID: 31-120-22-34-0007)

The West 639.57 feet of the East Half of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota which lies southwesterly of the southwesterly line of Dayton Industrial Boulevard as dedicated on the plat of BROCKTON CROSSING and which lies Northerly of the South 400.00 feet thereof.

Parcel 3 (PID: 31-120-22-31-0004)

That part of the West half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, also that part of the East half of the Southwest Quarter of said Section 31, all lying Southwesterly of the Southwesterly right-of-way line of Highway No. 94 and except that part lying Southerly of the following described line: commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest

Quarter in said Section 31 with the Southerly line of Dayton Industrial Boulevard as dedicated in the Plat of Brockton Crossing; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to the Southwesterly line of said Highway No. 94 and there terminating.

WHEREAS, on November 26, 2024, the City Council Approved a Comprehensive Plan Amendment, Conservation PUD, Preliminary Plat, and Site Plan (Resolution 65-2024), and Zoning Map Amendment (Ordinance 2024-15); and,

WHEREAS, the Final Plat has been reviewed for consistency with City Code 1002.08, Subd 7 (Data Required for Final Plats); and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council Approves the Final Plat (Exhibit A) and Development Agreement (Exhibit B), with the following conditions:

1. Plans shall be revised to be consistent with Three Rivers Park District Trail Design Guidelines (City Engineer email, March 6, 2025).
2. Plans shall be revised to comply with the City Engineer's letter, dated January 14, 2025.
3. The Development Agreement shall be executed as written, allowing for minor edits by Staff.

Adopted this 25th day of March, 2025, by the City of Dayton

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

Motion by Councilmember_____. Second by Councilmember_____.
*Motion **Approved**.*

C.R. DOC. NO _____

In witness whereof said WME Real Estate Holdings LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer

this _____ day of _____, 20_____.

SIGNED: WME Real Estate Holdings LLC

STATE OF _____, COUNTY OF _____

by _____, the _____ of WME Real Estate Holdings LLC, a Minnesota limited liability company.

My Commission Expires: _____

_____ Notary Public, Signature	_____ Notary Public, Printed Name
-----------------------------------	--------------------------------------

Notary Public _____ County, _____

this _____ day of _____, 20_____

SIGNED: City of Dayton

By: _____ The: _____

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20_____

by _____, the _____ of the City of Dayton, a Minnesota municipal corporation,

on behalf of the corporation.

Notary Public, Signature _____ Notary Public, Printed Name _____

Notary Public _____ County, _____

SURVEYORS CERTIFICATE

Dated this _____ day of _____, 20____

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 20_____, by Rory L. Synsteliem

My Commission Expires: _____

_____ Notary Public, Signature	_____ Notary Public, Printed Name
-----------------------------------	--------------------------------------

Notary Public _____ County, _____

CITY COUNCIL, CITY OF DAYTON, MINNESOTA

This plat of THE PARKWAY NEIGHBORHOOD was approved and accepted by the City Council of the City of Dayton, Minnesota at a regular meeting thereof held

this _____ day of _____, 20_____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Dayton, Minnesota

By: _____, Mayor By: _____, Clerk

COUNTY AUDITOR, Hennepin County, Minnesota

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat.

dated this _____ day of _____, 20_____

Daniel Rogan, County Auditor

By: _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20_____.

Chris F. Mavis, County Surveyor

By: _____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of THE PARKWAY NEIGHBORHOOD was recorded in this office this _____ day of _____, 20_____.

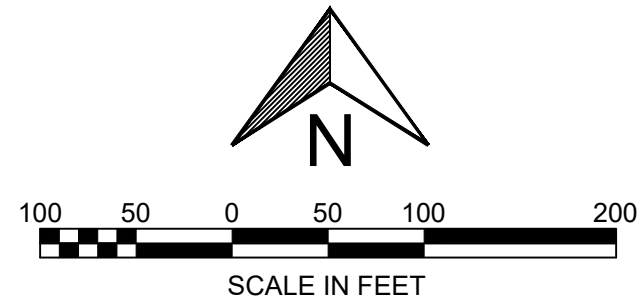
at _____ O'Clock _____ M

Amber Bougie, County Recorder

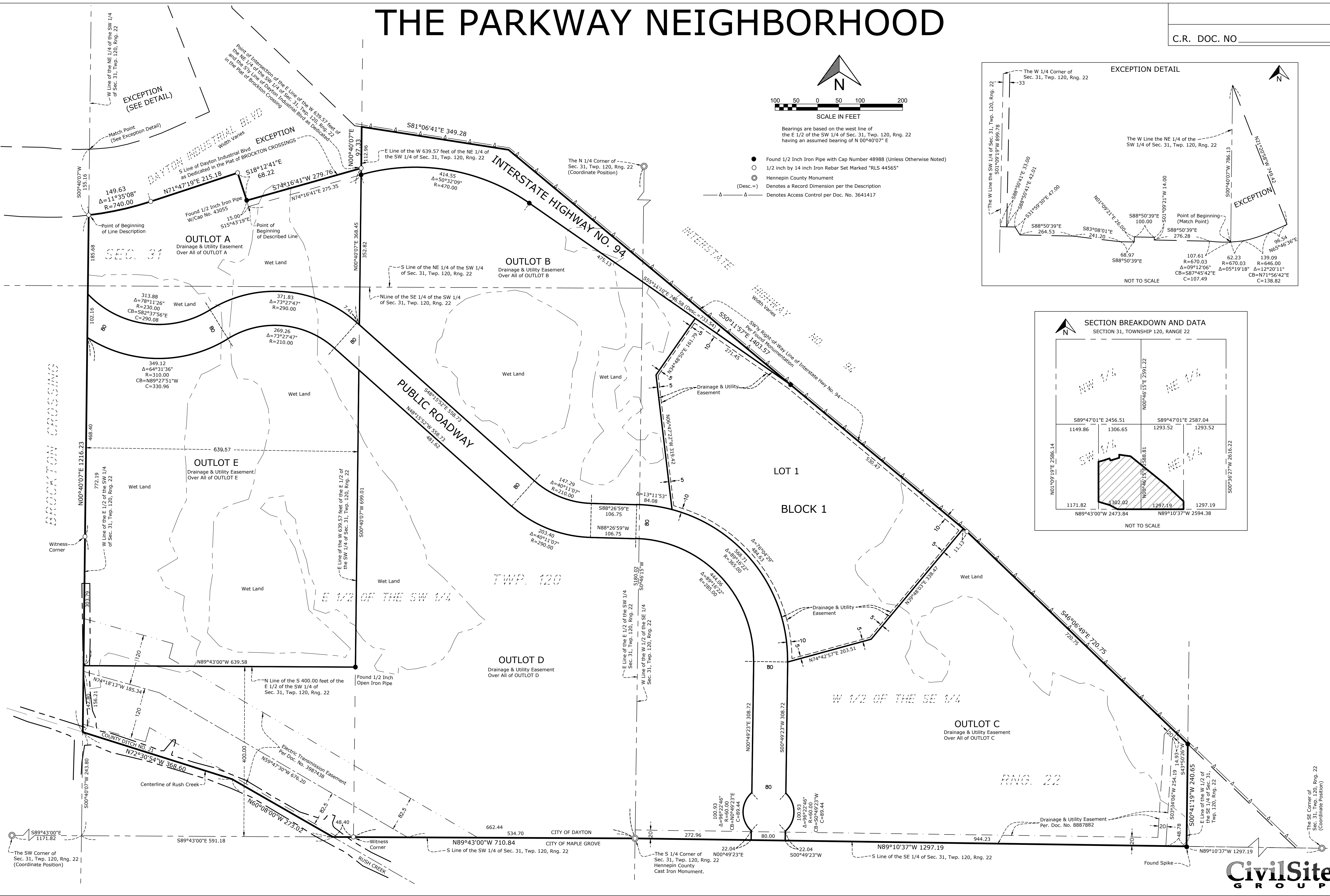
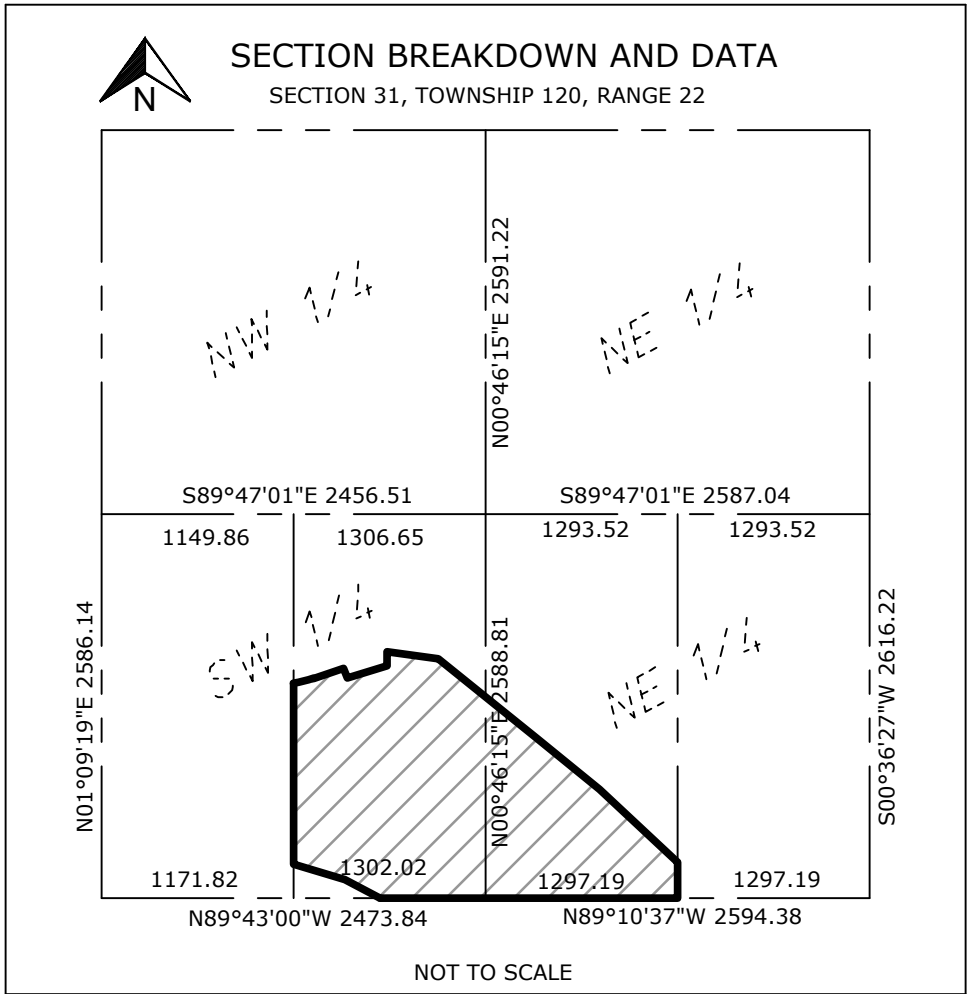
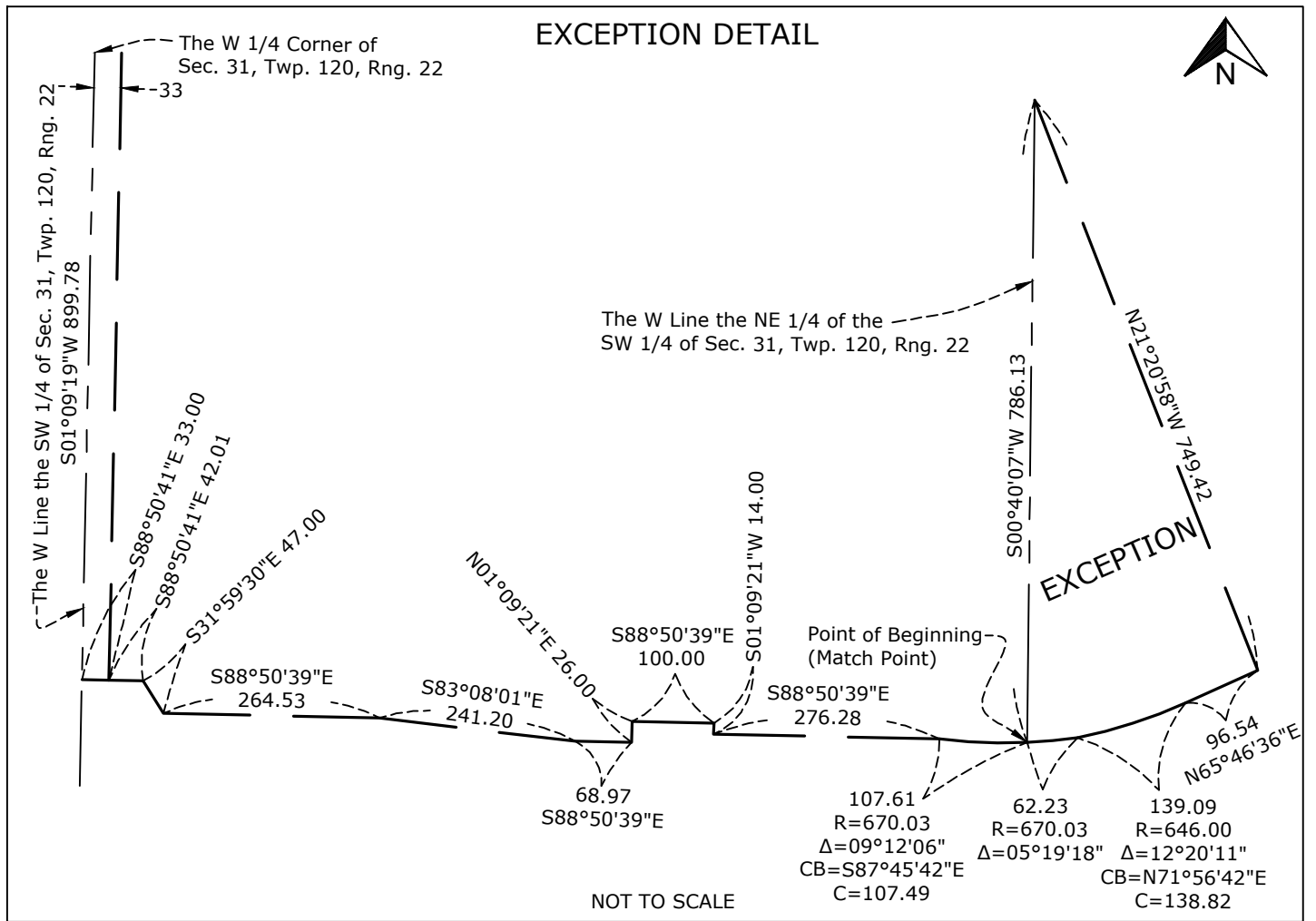
By: _____, Deputy

THE PARKWAY NEIGHBORHOOD

C.R. DOC. NO. _____



- Bearings are based on the west line of the E 1/2 of the SW 1/4 of Sec. 31, Twp. 120, Rng. 22 having an assumed bearing of N 00°40'07" E
- Found 1/2 Inch Iron Pipe with Cap Number 48988 (Unless Otherwise Noted)
 - 1/2 inch by 14 inch Iron Rebar Set Marked "RLS 44565"
 - ⊙ Hennepin County Monument
 - (Desc.=) Denotes a Record Dimension per the Description
 - Δ—Δ— Denotes Access Control per Doc. No. 3641417



(reserved for recording information)

DEVELOPMENT AGREEMENT

(Developer Installed Improvements)

Parkway Neighborhood

This **DEVELOPMENT AGREEMENT** (“Agreement”) dated _____, 2025 (the “Effective Date”), is by and between the **CITY OF DAYTON**, a Minnesota municipal corporation, whose principal place of business is at 12260 South Diamond Lake Road, Dayton, MN 55327 (“City”), and **WME REAL ESTATE HOLDINGS LLC**, a Minnesota limited liability company, whose principal place of business is located at 11326 Red Stem Court, Maple Grove, MN 55311 (“Developer”).

RECITALS

- A. Developer will be the fee owner and developer of a parcel of land consisting of approximately 50.92 acres, PID: 3112022340009, that is situated in the City of Dayton, County of Hennepin, State of Minnesota, and is legally described as set forth on **Exhibit A** as Parcel 1 (the “Property”); and
- B. The City is the fee owner of a parcel of land consisting of approximately 16.42 acres, PID: 3112022340007, that is situated in the City of Dayton, County of Hennepin, State of Minnesota, and is legally described as set forth on **Exhibit A** as Parcel 2 (the “City Property”); and
- C. **SCHANY GROUP LLC**, a Minnesota limited liability company (“Schany”), is the fee owner of a parcel of land consisting of approximately 23.42 acres, PID: 3112022330009, that is situated in the City of Dayton, County of Hennepin, State of Minnesota, and is legally described as set forth on **Exhibit A** as Parcel 3 (the “Schany Property”); and
- D. Schany is not a party to this Agreement, and the Schany Property is not included in the Plat, as the Plat is defined in this Agreement; and

E. **Exhibit B** depicts the following:

- i. The Property as *Lot 1, Block 1, Outlots B, C, and D*;
- ii. The City Property as *Outlot A* and *Outlot E*; and
- iii. The relevant part of the Schany Property as *Part of the “Schany Property”*;

For purposes of this Agreement, where applicable, these parcels are collectively referred to as the “Development Site”; and

- F. Developer proposes to develop the Property in a phased development, and has asked the City to approve a Preliminary Plat and a Final Plat of the *Parkway Neighborhood* (the “Plat”), which includes the Property, the City Property, and the Public Street, all pursuant to Developer’s plat application, which application is on file with the City; and
- G. On November 26, 2024, the City Council of the City of Dayton (“City Council”) adopted Resolution No. 64-2024, approving the Preliminary Plat of the *Parkway Neighborhood*, which Resolution is on file with the City; and
- H. On March 25, 2025, the City Council adopted Resolution No. ____ - 2025, approving the Final Plat of the *Parkway Neighborhood* (the “Final Plat Approval”); and
- I. Following recording of the Plat as required by this Agreement, the Property and the City Property shall be legally described as set forth on **Exhibit C**; and
- J. Developer’s phased development of the Plat will commence with the construction of a 180-unit market-rate apartment community on that part of the Property consisting of approximately 6.63 acres, which part is depicted on **Exhibit B** as *Lot 1, Block 1* (“Project 1”); and
- K. Project 1 will also include the construction of all of the Developer Public Improvements, as such are defined and allocated between Developer and the City in Section 6 of this Agreement, for Project 1; such Developer Public Improvements also include construction of a public road and the public infrastructure situated in, on, over, under, across, and through the Development Site in the general location depicted on **Exhibit B**; and
- L. Because the Schany Property is not included in the Plat, construction of that part of the City Public Improvements, as defined in Section 6 of this Agreement, on the Schany Property will be completed pursuant to a separate private agreement between the City and Schany; and
- M. Other development of the Property (*Outlot C* and *Outlot D*, as depicted on **Exhibit B**) (“Project 2”) will occur pursuant to future plat approvals and agreements that are not included in this Agreement; and
- N. This Agreement is entered into for the purpose of setting forth and memorializing for the parties and subsequent owners the understandings and agreements of the parties concerning the Plat and development of the Property.

NOW THEREFORE, the City and Developer agree as follows:

1. **Conditions of Final Plat Approval.** The City approved the Final Plat on condition that Developer enter into this Agreement, furnish the security required by this Agreement, and record the Final Plat with the Office of the Hennepin County Recorder no later than one-year (1) after Final Plat approval by the City Council.

2. **Right to Proceed.**

A. Within Lot 1, Block 1 to be platted, Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: A) this Agreement has been fully executed by both parties and filed with the City Clerk; B) the required security has been received by the City; C) the cash requirements under this Agreement has been received by the City from Developer; D) the Plat has been recorded by the Office of the Hennepin County Recorder; and E) the City's Administrator has issued a letter to Developer notifying Developer that all conditions have been satisfied, and allowing Developer to proceed.

B. Within the Public Street to be platted, Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: A) Developer has satisfied this Agreement and has been fully executed by both parties and filed with the City Clerk; B) the required security for the Public Street has been received by the City; C) the cash requirements under this Agreement for the Public Street has been received by the City from Developer; D) the Final Plat for Lot 1, Block 1 or the Final plat for Outlot C or Outlot D have been approved and recorded by the Office of the Hennepin County Recorder; and E) the City's Administrator has issued a letter to Developer notifying Developer that all conditions have been satisfied, and allowing Developer to proceed.

3. **Phased Development of the Development Site.** Development of the full Development Site shall be completed in multiple phases. Development of Project 1 shall be completed pursuant to the Final Plat Approval and this Agreement. Any future development of the Development Site shall be pursuant to future plat approvals and future agreements. The City may deny approval of such future plat applications and future agreements of Outlot "B" if a Developer Default, as defined in Section 35 of this Agreement, has occurred and is continuing at the time such approval is requested by Developer.

4. **Changes in Official Controls.** For five (5) years from the date of this Agreement, no amendments to the City's Comprehensive Plan, or official controls shall apply to or affect the use, development density, lot size, lot layout, or dedications of the Plat/Project 1, unless required by state or federal law, or agreed to in writing by the City and Developer. After that date, notwithstanding anything in this Agreement to the contrary, to the full extent permitted by state law, the City may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting, or dedication requirements enacted after the date of this Agreement with respect to that portion of the Property which did not receive final plat approval prior to any such amendments.

5. **Development Plans.** The Plat shall be developed in accordance with the plans listed below (collectively, the "Plans"). The Plans shall not be attached to this Agreement. With

the exception of Plans A and B, the Plans may be prepared, subject to City approval, after the effective date of this Agreement, but before commencement of any work in the Plat. An erosion control plan must also be approved by the U.S. Army Corps of Engineers, the State of Minnesota, and any other governmental or quasi-governmental entity having any jurisdiction over any part of the Development Site. If the Plans vary from the written terms of this Agreement, the written terms of this Agreement shall control. The Plans are:

- Plan A – Preliminary Plat of the *Parkway Neighborhood*, dated November 26, 2024
- Plan B – Final Plat of the *Parkway Neighborhood*, dated March 25, 2025
- Plan C – Final Grading, Drainage, and Erosion Control Plan
- Plan D – Plans and Specifications for the Public Improvements
- Plan E – Street Lighting Plan
- Plan F – Landscape Plan
- Plan G – Wetland Management Plan

6. **Public Improvements.** The City and Developer shall share responsibility for construction of the improvements related to the roadway that will serve the Plat according to the allocations in this Section 6. That roadway is labeled and depicted as the “Public Street” on **Exhibit B.** Regardless of the party who is completing construction or who is financially responsible, all of the improvements are public improvements (collectively, the “Public Improvements”).

A. The City shall install and pay for the following Public Improvements as required to be built within the Development Site as public improvements in accordance with the approved Plans for that part of the Development Site extending from Dayton Parkway to the eastern boundary of the City Property (collectively, the “City Public Improvements”):

- (1) The Public Street
- (2) Site Grading, Ponding, and Erosion Control
- (3) Sanitary Sewer
- (4) Watermain
- (5) Storm Sewer System
- (6) Surface Water Facilities (e.g., pipe, pond)
- (7) Filtration Basin
- (8) Wetland Buffers
- (9) Underground Utilities
- (10) Retaining Walls
- (11) Setting of Iron Monuments
- (12) Surveying and Staking
- (13) Signal at intersection of the Public Street and Dayton Parkway
- (14) Street Signs and Traffic Control Signs
- (15) Street Lighting
- (16) Sidewalks and Trails
- (17) Landscaping
- (18) Tree Preservation/Protection
- (19) Wetland Mitigation Fees on Parcel 2 and Parcel 3

B. Upon execution of this Agreement, the Developer shall provide to the City unredacted copies of all reports, engineering work, plans, and all other relevant documents that Developer has commissioned and obtained related to the City Property and the Schany Property to assist the City in designing and constructing the City Public Improvements.

C. The City shall not be obligated to proceed with the City Public Improvements until such time as Developer provides to the City evidence that is satisfactory to the City in its sole discretion that Developer has secured full and adequate financing to complete at least 150 units on the Property, whether as part of Project 1 or as part of Project 2, and the City has issued a building permit to Developer to commence with at least 150 units on the Property, whether as part of Project 1 or as part of Project 2.

D. Except for the City Public Improvements, Developer shall install and pay for the following Public Improvements as required to be built within the entire Development Site as public improvements in accordance with the approved Plans for that part of the Development Site extending from the eastern boundary of the City Property to the southern boundary of *Lot 1, Block 1* (collectively, the “Developer Public Improvements”):

- (1) The Public Street
- (2) Site Grading, Ponding, and Erosion Control
- (3) Sanitary Sewer
- (4) Watermain
- (5) Storm Sewer System
- (6) Surface Water Facilities (e.g., pipe, pond)
- (7) Filtration Basin
- (8) Wetland Buffers
- (9) Underground Utilities
- (10) Landscaping
- (11) Tree Preservation/Protection
- (12) Retaining Walls
- (13) Setting of Iron Monuments
- (14) Surveying and Staking
- (15) Street Signs and Traffic Control Signs
- (16) Street Lighting
- (17) Sidewalks and Trails
- (18) Wetland Mitigation Fees on Parcel 1

E. The Public Improvements shall be installed in accordance with the City subdivision ordinance; City standard specifications for utilities and street construction; and any other applicable ordinances.

F. For the Developer Public Improvements, Developer shall:

- (1) Submit to the City plans and specifications, which have been prepared by a competent licensed Minnesota professional engineer, for approval by the City Engineer. City Engineer approval shall be provided on the condition that such submittals comply with the Plans and this Agreement.

- (2) Instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control. In addition, the City may, at the City's discretion and at Developer's expense, have one or more City inspectors and a soil engineer inspect the work as the City may reasonably determine.
- (3) Retain the services of a geotechnical engineer for construction testing.
- (4) Along with its contractors and subcontractors, follow all instructions received from the City's inspectors.

G. For the Developer Public Improvements, Developer's engineer shall:

- (1) Provide for on-site project management.
- (2) Be responsible for design changes and contract administration between Developer and Developer's contractor.
- (3) Schedule a pre-construction meeting at a mutually agreeable time at the City Council chambers with all parties concerned, including the City staff, to review the program for the construction work.

H. Within thirty (30) days after the completion of the Developer Public Improvements and before the security is released, Developer shall supply the City with a complete set of reproducible "as constructed" plans, an electronic file of the "as constructed" plans in an Auto CAD file based upon the Hennepin County coordinate system, all prepared in accordance with City standards.

7. **Iron Monuments.** In accordance with Minnesota Statutes Section 505.021, the final placement of iron monuments for all lot corners as are required for the entire Development Site must be completed by Developer before the applicable security is released. Developer's surveyor shall also submit a written notice to the City certifying that the monuments have been installed as are required for the entire Development Site.

8. **Permits.** Developer shall obtain, or require its contractors and subcontractors to obtain, all necessary permits, including but not limited to the following to the extent required:

- A. City of Dayton for Building Permits;
- B. City of Dayton Sign Permit;
- C. City of Dayton Right-of-Way Permit;
- D. MDH Watermain extension permit. Developer must submit copy to City;
- E. NPDES Construction Stormwater Permit. Developer must submit copy to City prior to construction;
- F. MPCA Sanitary Sewer Extension permit. Developer must submit copy to City; and
- G. Any other permit or approval required by the U.S. Army Corps of Engineers, the State of Minnesota, and any other governmental and quasi-governmental entity having jurisdiction over any part of the Development Site.

9. **Dewatering.** Due to the variable nature of groundwater levels and stormwater flows, it will be the responsibility of Developer and Developer's contractors and subcontractors to satisfy themselves with regard to the elevation of groundwater in the area and the level of effort needed to perform dewatering and storm flow routing operations. All dewatering shall be in

accordance with all applicable county, state, and federal rules and regulations. DNR regulations regarding appropriations permits shall also be strictly followed.

10. **Time of Performance.** Developer shall install utility, concrete, and base course bituminous installation and all remaining required Developer Public Improvements, not including the final wearing course bituminous, no later than November 30, 2026. Final wearing course bituminous will be installed after at least one freeze-thaw cycle, as directed by the City. Developer may, however, request an extension of time from the City. If an extension is granted, it shall be conditioned upon updating the security posted by Developer to reflect cost increases, if any, and the extended completion date.

11. **License.** Developer hereby grants the City, its agents, employees, officers, and contractors a license to enter the Plat to perform all work and inspections deemed appropriate by the City in conjunction with Plat development.

12. **Erosion Control.** Prior to initiating site grading, the Final Grading Plan and Final Erosion Control and SWPPP Plan shall be implemented by Developer, and shall be inspected and approved by the City. All proposed erosion control BMP's, including those identified on **<PLAN SHEET ##>**, shall be identified on the SWPPP. Redundant erosion control BMP's shall be provided around the entire perimeter of all wetlands and infiltration basins. The City may impose additional erosion control requirements if reasonably required.

All areas disturbed by the excavation and backfilling operations shall be sodded—or seeded if explicitly permitted by City Code—within five (5) days after the completion of the work, weather permitting, or in an area where construction activity has or will be inactive for more than ten (10) days, unless authorized and approved by the City Engineer. Except as otherwise provided in the erosion control plan, sodding and seeding shall be in accordance with the City Code's current specifications. All sodded and seeded areas shall be fertilized and watered. The City and Developer recognize that time is of the essence in controlling erosion. If Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City shall notify Developer in advance of any proposed action, but failure of the City to do so will not affect Developer's and City's rights or obligations under this Agreement. If Developer does not reimburse the City for any cost the City incurred for such work within ten (10) days after written notice to Developer, the City may draw down the letter of credit to pay any costs. No development, utility, or street construction will be allowed and no building permits will be issued unless the Plat is in full compliance with the approved erosion control plan.

13. **Grading Plan.** The Plat shall be graded in accordance with the approved Final Grading Plan. The Plan shall conform to City of Dayton specifications. Within thirty (30) days after completion of the grading and before the City approves individual building permits, Developer shall provide the City with an "as constructed" grading plan certified by a Minnesota registered land surveyor or engineer that all ponds, swales, and ditches for public drainage have been constructed on public easements or land owned by the City. The "as constructed" plan shall include field verified elevations of the following: a) cross sections of ponds; b) location and elevations along all swales, wetlands, wetland mitigation areas if any, ditches, locations and dimensions of borrow areas/stockpiles, and installed "conservation area" posts; and c) lot corner elevations, and house pads. The City will withhold issuance of building permits until the approved

certified grading plan is on file with the City and all erosion control measures are in place as determined by the City Engineer. Developer certifies to the City that all lots with house footings placed on fill have been monitored and constructed to meet or exceed FHA/HUD 79G specifications.

14. **Street Maintenance, Access During Construction.** Developer shall clean dirt and debris from streets that has resulted from construction work by Developer, their contractors, subcontractors, agents, or assigns. Prior to any construction in the Plat, Developer shall identify in writing a responsible party and schedule for erosion control, street cleaning, and street sweeping. Developer shall be responsible for all street maintenance during the construction process. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and to direct attention to detours. If and when streets become impassable, such streets shall be barricaded and closed. In the event residences are occupied prior to completing streets, Developer shall ensure that the streets are passable to traffic and emergency vehicles. Developer shall be responsible for keeping streets within and without the subdivision swept clean of dirt and debris that may spill, track, or wash onto the street from Developer's operation.

In the event dirt and/or debris has accumulated on streets within or adjacent to the Property, the City is hereby authorized to immediately commence street cleaning operation if streets are not cleaned by the Developer after twenty-four (24) hours of the notification of violation. Street cleaning shall be defined as the use of any equipment specifically designed for sweeping, necessary for cleaning dirt, mud and debris from the City right-of-way. If conditions are such that street cleaning operation is immediately necessary, the City may perform the necessary street cleaning. The City will then bill Developer for all associated street cleaning costs. Failure to reimburse the City for street cleaning costs within thirty (30) days of such billing shall be cause for default under this Agreement.

Construction traffic access and egress for grading, public utility construction, and street construction is restricted to Dayton Parkway and the street to be constructed as part of the Public Improvements. No construction traffic is permitted on any other adjacent public or private streets.

15. **Ownership of Improvements; Acceptance by the City.**

A. Upon completion of the work and construction required by this Agreement, the Developer Public Improvements lying within public easements shall become City property without further notice or action.

B. Upon completion of the Developer Public Improvements, the City shall inspect the Developer Public Improvements and notify Developer if any of the Developer Public Improvements do not conform to the requirements of this Agreement.

C. Prior to acceptance of the Developer Public Improvements by the City, Developer must furnish the following affidavits:

- i. Contractor's certificate
- ii. Engineer's certificate
- iii. Land surveyor's certificate
- iv. Developer's certificate

These affidavits shall certify that all construction has been completed in accordance with the terms of this Agreement.

D. Prior to City acceptance of the Developer Public Improvements and a full and final release of the financial securities required by this Agreement, Developer shall provide the City with final “record” plans, in accordance with the City’s most recent engineering guidelines.

E. Upon compliance with this Agreement with respect to Developer Public Improvements, the City shall give formal notice of acceptance to Developer, and thereafter Developer shall have no responsibility with respect to the maintenance of the Developer Public Improvements, except during any warranty periods expressly set forth in this Agreement.

F. Developer shall, at its expense, prepare any streets located in the subdivision for snowplowing and other maintenance that Developer wishes the City to undertake prior to formal acceptance by the City of such streets. This preparation shall include, without limitations, ramping any manholes as necessary to avoid damage to snowplows or other vehicles used in street maintenance. Should damage occur to City snowplows or other vehicles during the course of snowplowing or other maintenance procedures prior to formal acceptance of the street by the City, Developer shall pay all such damages and shall indemnify and hold the City harmless for all such damage, cost, or expense incurred by the City with regard to such damage.

16. **City Engineering Administration and Construction Observation**. Developer shall, contemporaneously with the execution of this Agreement, deposit with the City: (1) an escrow of \$88,000 to cover the expenses for engineering administration and construction observation; (2) an escrow of \$6,000 to cover the engineering application review process; and (3) an escrow of \$5,000 to cover legal and planning application review process. Developer shall pay all fees relating to Project 1 including, but not limited to, legal, engineering, engineering administration, construction observation, planning, recording fees, administrative expenses, and other costs related to Project 1. Developer shall also pay to the City the outstanding balance owed under the established City escrow for these costs for Project 1, which is ~~\$72,140~~,000.

A. *Engineering Administration*. City engineering administration will include monitoring of construction observation, consultation with Developer and its engineer on status or problems regarding the Project, coordination for final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. This shall also include the cost of City Engineer review and approval of record construction drawings to be prepared by Developer’s engineer, and shall also include the cost of City base map upgrading by the City Engineer.

B. *Construction Observation*. Developer shall pay for construction observation performed by the City’s consulting engineer. Construction observation shall include part- or full-time inspection of proposed public utilities.

C. *Administration and Observation Costs*. Fees for engineering administration and construction observation shall be at standard hourly rates that are in effect at the time of execution of this Agreement. The City will provide Developer a listing of the rates charged to Developer for the City’s engineering administration and construction observation.

D. *Escrow.* All fees and costs incurred by the City in connection with the Project shall be charged against said escrow account which shall remain in effect until the completion of the Project. Any funds remaining in the escrow accounts after the completion of the Project shall be refunded to Developer. In the event that the escrow accounts herein are depleted, Developer agrees that upon request of the City, Developer shall post additional sums of money to replenish the accounts to their original balance to cover projected City costs as reasonably determined by the City. Developer agrees that all escrow accounts shall always have a balance of no less than \$5,000. If the balance of any escrow account falls below \$5,000, upon notice from the City, Developer shall immediately deposit additional funds sufficient to cover the estimated additional future costs to complete Project 1 as directed by the City. Developer shall be entitled, upon request, to an itemized statement of all costs and fees charged against these escrow accounts.

17. **Claims.** In the event that the City receives claims from labor, materialmen, or others that work required by this Agreement has been performed, the sums due them have not been paid, and the laborers, materialmen, or others are seeking payment from the City, the City shall provide Developer with written notice of such claim or claims and Developer shall have twenty (20) days to satisfy such claim or claims or provide the City with Developer's defense to such claim or claims. In the event such claim or claims are valid and Developer has not provided the City with Developer's defense to such claim or claims, then Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the letter of credit in an amount up to 125 percent (125%) of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the performance bond deposited with the District Court, except that the Court shall retain jurisdiction to determine attorneys' fees pursuant to this Agreement.

18. **Sanitary Sewer Trunk Charge.** Development of the Plat is subject to a charge for Sanitary Sewer Trunk expenses, payable at the time of final plat approval. The Sanitary Sewer Trunk charge is \$64,080, calculated as follows.

$$\$356 \text{ per unit} \times 180 \text{ units developed} = \$64,080$$

19. **Metropolitan Council Sewer Availability Charges.** Development of the Plat is subject to a Metropolitan Council Sewer Availability Charge ("Met Council SAC") fee, payable to the City prior to the issuance of the building permit. The Metro Council SAC fee is \$497,000, calculated as follows.

$$\$2,485 \text{ per unit} \times 180 \text{ units developed} = \$497,000$$

20. **City Sewer Access Charges.** Development of the Plat is subject to a City Sewer Access Charge ("City SAC") fee, payable prior to the issuance of the building permit. The City SAC fee is \$109,600, calculated as follows.

$$\$548 \text{ per unit} \times 180 \text{ units developed} = \$109,600$$

21. **Water Trunk Charge.** Development of the Plat is subject to a charge for Water Trunk expenses, payable at the time of final plat approval. The Water Trunk fee is \$121,140, calculated as follows:

$$\$673 \text{ per unit} \times 180 \text{ units developed} = \$121,140$$

22. **Maple Grove Water Access Charge.** Development of the Plat is subject to a Water Access Charge fee from the City of Maple Grove (“Maple Grove WAC”), payable to the City prior to the issuance of the building permit. The Maple Grove WAC fee is \$453,420, calculated as follows:

$$\$2,519 \text{ per unit} \times 180 \text{ units developed} = \$453,420$$

23. **Dayton Water Access Charge.** Development of the Plat is subject to a Water Access Charge fee from the City of Dayton (“Dayton WAC”), payable to the City prior to the issuance of the building permit. The Dayton WAC fee is \$143,280, calculated as follows:

$$\$796 \text{ per unit} \times 180 \text{ units developed} = \$143,280$$

24. **Storm Sewer Charge.** Development of the Plat is subject to a charge for Storm Sewer expenses, payable at the time of final plat approval. The Storm Sewer fee is \$86,940, calculated as follows:

$$\$483 \text{ per unit developed} \times 180 \text{ units developed} = \$86,940$$

25. **Park Dedication.** Developer will pay a park dedication fee of \$563,220 at the time of final plat approval, and calculated as follows:

$$\$3,129 \text{ per unit developed} \times 180 \text{ units developed} = \$563,220$$

26. **Trail Dedication.** Developer will pay a trail dedication fee of \$457,380 at the time of final plat approval, and calculated as follows:

$$\$2,541 \text{ per unit developed} \times 180 \text{ units developed} = \$457,380$$

27. **Engineering Costs.** In addition to Engineering Administration and Construction Observation costs, Developer shall pay engineering fees including:

A. Special engineering fees, if any, including actual costs. The City will submit invoices to Developer, who shall pay the City within 30-days of invoice.

B. Developer shall post security in the amount of \$700.00 per monument for the final placement of interior subdivision iron monuments at the corners of each lot and/or outlot, and for the placement of all wetland monuments, pursuant to Dayton City Code Section 1002.08, subd. 7. The total security for monuments is \$1,400.00, and was calculated as follows:

(\$700 per monument x 2 monuments = \$1,400.00) x 125% = \$1,750.00 total security amount

The security will be held by the City until Developer's land surveyor certifies that all irons have been set following site grading and utility and street construction. In addition, the certificate of survey must also include a certification that all irons for a specific lot have either been found or set prior to the issuance of a building permit for that lot.

C. Developer shall, at its own cost, prepare record construction drawings and submit the same to the City Engineer for review and approval.

28. **Landscaping and Tree Preservation.** For the full Development Site, Developer shall follow all requirements of the City's Zoning Ordinance and approved landscaping plan and tree preservation plan as approved by the City, and the requirements ~~in~~-set forth in the Planning Report dated March 25, 2025.

29. **Additional Agreement.** Prior to release of the Plat for recording by the City, Developer shall have executed a Stormwater Maintenance Agreement. This agreement shall be between the City and Developer for the infiltration basins on the Development Site as related to Project 1. Developer shall provide the City with infiltration test results for each of the proposed infiltration basins. Developer shall obtain soil borings to verify groundwater depth and soil type within the proposed infiltration basin location and submit the data to the City for review. The infiltration basins shall be seeded with MnDOT seed mix 35-221.

30. **Special Provisions.** The following special provisions shall apply to Project 1:

D. Implementation of the recommendations listed in Planning Report prepared for the March 25, 2025, City Council meeting, and Resolution No. _____-2025.

E. All easement documents and all deeds for any outlots transferred to the City, if any, shall be provided to the City simultaneously with delivery of the Final Plat for City signatures. Developer shall dedicate to the City on the final plat drainage and utility easements located within the property, including access, as required to serve the Development Site.

F. The lighting plan must comply with the City of Dayton Zoning and Subdivision Ordinances.

G. The irrigation plan must comply with the City of Dayton Zoning and Subdivision Ordinances.

H. All construction shall be in accordance with City of Dayton Standards.

I. Developer is required to submit the final plat in electronic format. The electronic format shall be Auto CAD file. Developer shall also submit one complete set of reproducible construction plans on paper, in .pdf format, and AutoCAD.

J. Developer is required to establish and maintain a buffer around all wetlands averaging 25 feet, with a minimum width of 10 feet. Developer shall be responsible for placing wetland buffer monuments with location subject to review and approval by the City Engineer. The area within wetlands and buffer zones shall be preserved predominantly in their natural states, except to the extent set forth in Section 1001.27 of the Dayton Zoning Ordinance. Wetlands and buffer zones must be protected by a conservation easement granted to the City by Developer. Any planned disturbance of the wetland buffer area during construction is subject to review and approval by the City Engineer.

K. Developer shall comply with the conditions of the City Engineer's Memo prepared by the City Engineer, dated January 14, 2025.

L. Access shall be provided to all stormwater ponds and shall be located as detailed and in accordance with the approved Final Plat.

M. All proposed buildings shall be constructed with a minimum of three (3) feet above adjacent ponds or wetland High Water Elevations per applicable City Ordinances and/or State statutes.

N. All storm sewer structures immediately prior to ponds shall be constructed with a sump a minimum of three (3) feet in depth.

31. **Summary of Security Requirements.** To guarantee compliance with the terms of this Agreement, payment of real estate taxes, payment of special assessments, payment of the costs of the Developer Public Improvements, and construction of all Developer Public Improvements, Developer shall furnish the City with a letter of credit, in the form attached hereto, from a bank ("Security") for \$2,751,400. The amount of the Security includes all of the security requirements set forth in the preceding sections of this Agreement, and was calculated as follows:

Construction Costs:	
Developer Public Improvements, including erosion control	\$2,200,000
Construction Subtotal:	\$2,200,000
Other Costs:	
Lot Corners/Iron Monuments	\$1,400
Other Costs Subtotal:	\$
TOTAL SECURITIES:	\$
GRAND TOTAL SECURITIES (125%):	\$2,751,400

This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. Individual security instruments may be for shorter terms provided they are replaced at least thirty (30) days prior to their expiration. The City may draw down the security, upon ten (10) business days prior written notice to Developer, for any violation of the terms of this Agreement and Developer fails to cure such default within such ten (10) day time period. Amounts drawn shall not exceed the amounts

necessary to cure the default. If the required Developer Public Improvements are not completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default. Upon receipt of proof satisfactory to the City that work has been completed and financial obligations to the City have been satisfied, with City approval the security shall be reduced from time to time by ninety percent (90%) of the financial obligations that have been satisfied. Ten percent (10%) of the amounts certified by Developer's engineer shall be retained as security until all improvements have been completed, all financial obligations to the City satisfied, the required "as constructed" plans have been received by the City, a warranty security is provided, and the Developer Public Improvements are accepted by the City. The City standard specifications for utilities and street construction outline procedures for security reductions.

32. **Summary of Cash Requirements.** The following is a summary of the cash requirements under this Agreement, which must be furnished to the City at the time indicated:

A. Prior to the final plat being recorded by the Office of the Hennepin County Recorder.

City Engineering and Administration Escrow	\$88,000
Engineering Application Review Escrow	\$6,000
Legal and Planning Expenses Escrow	\$5,000
Outstanding balance of established City escrow	\$72,000
Sanitary Sewer Trunk Charge	\$64,080
Water Trunk Charge	\$121,140
Storm Sewer Trunk Charge	\$86,940
Park Dedication	\$563,220
Trail Dedication	\$457,380
TOTAL CASH REQUIREMENTS (at Final Plat):	\$1,463,760

B. At the time of building permit issuance:

Met Council SAC	\$497,000
Dayton SAC	\$109,600
Maple Grove WAC	\$453,420
Dayton WAC	\$143,280
TOTAL CASH REQUIREMENTS (at Building Permit):	\$1,203,280

C. The City employs a pass through billing process. The total escrow amounts listed in table 32.A. will be held and all bills will be forwarded to Developer for immediate payment. If payments are not made in a timely fashion, the project will stop until payments are made. If said fees are less than estimated, the City shall reimburse Developer the escrow balance(s) within thirty (30) days of receipt of final invoices. If

33. **Warranty.** Developer warrants all required Developer Public Improvements against poor material and faulty workmanship. The warranty period for streets is one (1) year. The warranty period for underground utilities as identified in Plan <X> is two (2) years and shall commence following completion and acceptance by City Council. The one (1) year warranty

period on streets shall commence after the final wear course has been installed and accepted by the City Council as documented in official City minutes. Developer shall post maintenance bonds in the amount of twenty-five percent (25%) of final certified construction costs to secure the warranties. The City shall retain ten percent (10%) of the security posted by Developer until the warranty period expires. The retainage may be used to pay for warranty work. The City standard specifications for utilities and street construction identify the procedures for final acceptance of streets and utilities.

34. **Responsibility for Costs.**

A. Except as otherwise specified in this Agreement, Developer shall pay all costs incurred by Developer or the City in conjunction with the development of that portion of the Plat located on the Property, including but not limited to Soil and Water Conservation District charges, legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the Plat, the preparation of this Agreement, review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting development of the portion of the Plat located on the Property.

B. Developer shall hold the City and its officers, employees, and agents harmless from claims made by Developer and third parties for damages sustained or costs incurred resulting from Plat approval and development. Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.

C. Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering and attorneys' fees.

D. Developer shall pay, or cause to be paid when due, and in any event before any penalty is attached, all special assessments referred to in this Agreement. This is an obligation of Developer and shall continue in full force and effect even if Developer sells one or more lots, the entire Plat, or any part of it.

E. Developer shall pay in full all bills submitted to it by the City for obligations incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt Plat development and construction until the bills are paid in full. Bills not paid within thirty (30) days shall accrue interest at the rate of eight percent (8%) per year.

F. In addition to the charges and special assessments referred to herein, other charges as required by City ordinance may be imposed such as but not limited to building permit fees.

35. **Developer's Default.** In the event of default by Developer as to any of the work to be performed by Developer pursuant to this Agreement, after a ten (10) day written notice of such default has been given to Developer by the City, and Developer has failed to cure such default within the ten (10) day time period (a "Developer Default"), the City may, at its option, perform the work and Developer shall promptly reimburse the City for any expense incurred by the City, provided Developer, except in an emergency as determined by the City, is first given notice of the

work in default, not less than 84 (48) hours in advance. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the land. When the City does any such work, the City may, in addition to its other remedies, assess the cost in whole or in part.

36. **Miscellaneous.**

A. Developer shall be responsible for ensuring that all vacant lots comply with the City's Code regarding nuisances.

B. Third parties shall have no recourse against the City or Developer under this Agreement.

C. Breach of the terms of this Agreement by Developer shall be grounds for denial of building permits, including lots sold to third parties.

D. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Agreement.

E. If building permits are issued prior to the acceptance of the Developer Public Improvements, Developer assumes all liability and costs resulting in delays in completion of Developer Public Improvements and damage to Developer Public Improvements caused by the City, Developer, its contractors, subcontractors, material men, employees, agents, or third parties. No sewer and water connection permits may be issued and no one may occupy a building for which a building permit is issued on either a temporary or permanent basis until the streets needed for access have been paved with at least one lift of bituminous surface and the utilities are accepted by the City Engineer in writing.

F. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.

G. This Agreement shall run with the land and shall be recorded against the title to the Property. Developer covenants with the City, its successors and assigns, that Developer is well seized in fee title of the Property being final platted and/or has obtained consents to this Agreement, in the form attached to this Agreement, from all parties who have an interest in the Property; that there are no unrecorded interests in the Property being final platted; and that Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.

H. Developer shall take out and maintain, or cause to be taken out and maintained, until six (6) months after the City has accepted the Developer Public Improvements, commercial general liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for bodily injury and death shall be not less than \$500,000 for one person and \$1,000,000 for each occurrence; limits for property damage shall be not less than \$200,000 for each occurrence; or a combination single

limit policy of \$1,000,000 or more. The City shall be named as an additional insured on the policy, and Developer shall file with the City a certificate evidencing coverage prior to the City signing the Plat. The certificate shall provide that the City must be given ten (10) days' advance written notice of the cancellation of the insurance.

I. Each right, power or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power, or remedy, express or implied, now or arising after the Effective Date of this Agreement, available to City, at law or in equity, or under any other agreement, and each and every right, power, and remedy set forth in this Agreement or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City, and shall not be a waiver of the right to exercise any other right, power, or remedy at any subsequent time.

J. Developer may not assign this Agreement without the written permission of the City Council. Developer's obligations under this Agreement shall continue in full force and effect even if Developer sells one or more lots, the entire Plat, or any part of it.

K. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a structural or geotechnical engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved plans and specifications. All retaining walls in the development plans, or special conditions referred to in this Agreement required to be constructed, shall be constructed before any Certificate of Occupancy is issued for a lot on which a retaining wall is required to be built.

L. Nothing contained in this Agreement shall be deemed or construed to create a partnership, joint venture, joint enterprise, or other fiduciary relationship between the City and Developer. Neither party is authorized to act as an agent or on behalf of the other party.

M. The section headings of this Agreement are for reference purposes only, and shall not otherwise affect the meaning, construction, or interpretation of any provision of this Agreement.

37. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the parties and their respected successors and assigns, including without limitation, any and all future and present owners, tenants, occupants, licensee, mortgagee and any other parties with any interest in the Property. Should Developer convey any lot or lots in the Plat to a third party, the City and the owner of that lot or those lots may amend this Agreement as applied to that lot or those lots without the approval or consent of Developer or the other lot owners within the Plat. Private agreements between the owners of lots within the Plat for shared service or access and related matters necessary for the efficient use of the Property shall be the responsibility of the lot owners and shall not bind or restrict City authority to approve applications from any lot owner.

38. **Counterparts.** This Agreement may be simultaneously executed in any number of counterparts, each of which shall be an original, and all of which together shall constitute but one and the same instrument.

39. **Notices.** All notices provided for in this Agreement must be in writing and shall be hand delivered; by United States mail via prepaid certified mail; or by prepaid overnight mail delivery service providing written evidence of delivery, and addressed as follows:

If to the City:

City of Dayton
ATTN: City Administrator
Dayton City Hall
12260 South Diamond Lake Road
Dayton, Minnesota 55327

If to Developer:

WME Real Estate Holdings LLC
11326 Red Stem Court
Maple Grove, MN 55311

With copy to:

Rush Creek Development
17269 80th Place North
Maple Grove, MN 55311

40. **Incorporation of Recitals and Exhibits.** The Recitals that are at the beginning of this Agreement, and the exhibits that are attached to this Agreement are each true and correct and are incorporated into and made part of this Agreement.

IN WITNESS WHEREOF, the City and Developer have executed this Development Agreement as of the Effective Date first written above.

[Signature pages to follow]

BY: _____

BY: _____

#234845v3

DEVELOPER:
WME Real Estate Holdings LLC

By: _____
Whitney Elzufon, Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__, by Whitney Elzufon, the Manager of WME Real Estate Holdings LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

DRAFTED BY:
CAMPBELL KNUTSON
Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, MN 55121
Telephone: (651) 452-5000
AKLS

**EXHIBIT A
TO
DEVELOPMENT CONTRACT FOR PARKWAY NEIGHBORHOOD**

*Legal Descriptions of Property and the City Property Prior to Final Plat, and
Legal Description of the Schany Property*

Parcel 1 (The Property):

That part of the West Half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, also that part of the East Half of the Southwest Quarter of said Section 31, all lying Southwesterly of the Southwesterly right-of-way line of Highway No. 94 and Northerly of the center line of Rush Creek except that part of the West 639.57 feet lying North of the South 400 feet thereof; and except that part lying Northerly of the following described line: Commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter in said Section 31, with the Southerly line of Dayton Industrial Boulevard as dedicated in the Plat of Brockton Crossing; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East, a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East, a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to the Southwesterly line of said Highway No. 94 and there terminating. Hennepin County, Minnesota
Abstract Property

Parcel 2 (The City Property):

That part of the West Half of the Southeast Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, lying Southwesterly of Highway No. 94; also that part of the East Half of the Southwest Quarter of Section 31, Township 120, Range 22, lying Southwesterly of Highway No. 94 and Northerly of centerline of Rush Creek.

EXCEPT:

That part of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, lying Southwesterly of the Southwesterly right of way line of Interstate Highway No. 94, also, the West 639.57 feet of the Southeast Quarter of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, lying Northerly of the South 400.00 feet thereof.

AND Except:

That part of the Northeast Quarter of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 31; thence South 01 degree 09 minutes 19 seconds West, along the West line of said Southwest Quarter, a distance of 899.78 feet; thence South 88 degrees 50 minutes 41 seconds East, a distance of 33.00 feet to the East line of the West 33.00 feet of said Southwest Quarter; thence continuing South 88 degrees 50 minutes 41 seconds East, a distance of 42.01 feet; thence South 31 degrees 59 minutes 30 seconds East, a distance of 47.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 264.53 feet; thence South 83 degrees 08 minutes 01 second East, a distance of 241.20 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 68.97 feet; thence North 01 degree 09 minutes 21 seconds East, a distance of 26.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 100.00 feet; thence South 01 degree 09 minutes 21 seconds West, a distance of 14.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 276.28 feet; thence 107.61 feet along a non-tangential curve concave to the North which has a radius of 670.03 feet, central angle of 09 degrees 12 minutes 06 seconds, chord bearing of South 87 degrees 45 minutes 42 seconds East, and chord length of 107.49 feet to the West line of said Northeast Quarter of the Southwest Quarter and the point of beginning; thence continuing the last curve along an arc with length of 62.23 feet, and central angle of 5 degrees 19 minutes 18 seconds; thence 139.09 feet along a non-tangential curve concave to the Northwest which has a radius of 646.00 feet, central angle of 12 degrees 20 minutes 11 seconds, chord bearing of North 71 degrees 56 minutes 42 seconds East, and chord length of 138.82 feet; thence North 65 degrees 46 minutes 36 seconds East, a distance of 96.54 feet; thence North 21 degrees 20 minutes 58 seconds West, a distance of 749.42 feet to said West line of the Northeast Quarter of the Southwest Quarter; thence South 0 degrees 40 minutes 07 seconds West, along said West line, a distance of 786.13 feet to the point of beginning.

Being that part of said described property lying Northerly of a line described as commencing at the intersection of the East line of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter of said Section 31, with the Southerly line of Dayton Industrial Boulevard as dedicated in Brockton Crossing, according to the recorded plat thereof; thence South 74 degrees 16 minutes 41 seconds West, assumed bearing, along said Southerly line a distance of 279.76 feet to an angle point in said Southerly line; thence South 15 degrees 43 minutes 19 seconds East, a distance of 15.00 feet to the point of beginning of said described line; thence North 74 degrees 16 minutes 41 seconds East, a distance of 275.35 feet to the East line of the West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence Easterly 414.55 feet along a tangential curve concave to the South having a radius of 470.00 feet and a central angle of 50 degrees 32 minutes 09 seconds; thence South 55 degrees 11 minutes 10 seconds East, tangent to said curve, a distance of 733.54 feet to Southwesterly line of said Highway No. 94 and there terminating.

Hennepin County, Minnesota

Abstract Property

Parcel 3 (The Schany Property):

That part of the West 639.57 feet of the Northeast Quarter of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, which lies Southwesterly of the Southwesterly right of way line of Interstate Highway 94 and which lies Southerly of the following described line:

Commencing at the West Quarter corner of said Section 31; thence South 01 degree 09 minutes 19 seconds West, along the West line of said Southwest Quarter, a distance of 899.78 feet; thence South 88 degrees 50 minutes 41 seconds East, a distance of 33.00 feet to the East line of the West 33.00 feet of said Southwest Quarter; thence continuing South 88 degrees 50 minutes 41 seconds East, a distance of 42.01 feet; thence South 31 degrees 59 minutes 30 seconds East, a distance of 47.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 264.53 feet; thence South 83 degrees 08 minutes 01 second East, a distance of 241.20 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 68.97 feet; thence North 01 degree 09 minutes 21 seconds East, a distance of 26.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 100.00 feet; thence South 01 degree 09 minutes 21 seconds West, a distance of 14.00 feet; thence South 88 degrees 50 minutes 39 seconds East, a distance of 276.28 feet; thence 107.61 feet along a non-tangential curve concave to the North which has a radius of 670.03 feet, central angle of 09 degrees 12 minutes 06 seconds, chord bearing of South 87 degrees 45 minutes 42 seconds East, and chord length of 107.49 feet to the West line of said Northeast Quarter of the Southwest Quarter; thence South 0 degrees 40 minutes 07 seconds West, along said West line, a distance of 155.16 feet to the point of beginning of the line to be described; thence 149.63 feet along a non-tangential curve concave to the North which has a radius of 740.00 feet, central angle of 11 degrees 35 minutes 08 seconds, chord bearing of North 77 degrees 34 minutes 53 seconds East, and chord length of 149.38 feet; thence North 71 degrees 47 minutes 19 seconds East, a distance of 215.18 feet; thence South 18 degrees 12 minutes 41 seconds East, a distance of 68.22 feet; thence North 74 degrees 16 minutes 41 seconds East, a distance of 279.76 feet to the East line of said West 639.57 feet of said Northeast Quarter of the Southwest Quarter; thence North 0 degrees 40 minutes 07 seconds East, along said East line, a distance of 97.59 feet, more or less to said Southwesterly right of way line of Interstate Highway 94 and there terminating.

AND

The West 639.57 feet of the Southeast Quarter of the Southwest Quarter of Section 31, Township 120, Range 22, Hennepin County, Minnesota, lying Northerly of the South 400.00 feet thereof.

Parcel 3A:

A 16.5 foot easement for roadway purposes, the center line of which is described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 0 degrees 28 minutes 52 seconds East, along the West line of said Southeast Quarter of the Southwest Quarter a distance of 400.01 feet to the North line of the South 400.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 55 minutes 12 seconds East, along said North line a distance of 325.78 feet to the point of beginning of the line to be described; thence South 13 degrees 31 minutes 43 seconds West, a distance of 190.45 feet; thence North 61 degrees 20 minutes 27 seconds West, a distance of 55.78 feet; thence Southwesterly a distance of 75.03 feet along a tangential curve concave to the Southeast, having a radius of 42.00 feet and a central angle of 102 degrees 21 minutes 25 seconds; thence South 16 degrees 18 minutes 08 seconds West, a distance of 51.38 feet; thence Southwesterly a distance of 67.53 feet along a tangential curve concave to the Northwest, having a radius of 120.00 feet and a central angle of 32 degrees 14 minutes 36 seconds; thence South 48 degrees 32 minutes 44 seconds West, a distance of 46.23 feet; thence South 57 degrees 43 minutes 07 seconds West, a distance of 121.65 feet; thence Southwesterly a distance of 21.39 feet along a tangential curve concave to the Southeast, having a radius of 50.00 feet and a central angle of 24 degrees 31 minutes 0 seconds, to the intersection of the South line of

the Southwest Quarter of said Section 31, and said centerline there terminating. The side lines of said easement shall be prolonged or shortened to terminate at said South line.

Parcel 3B:

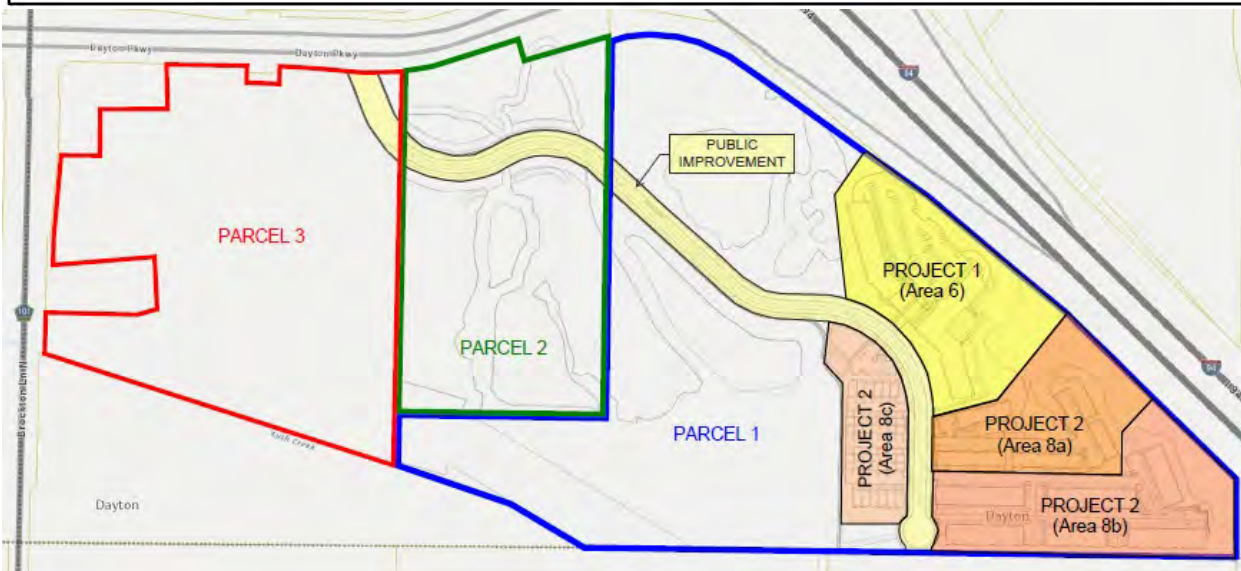
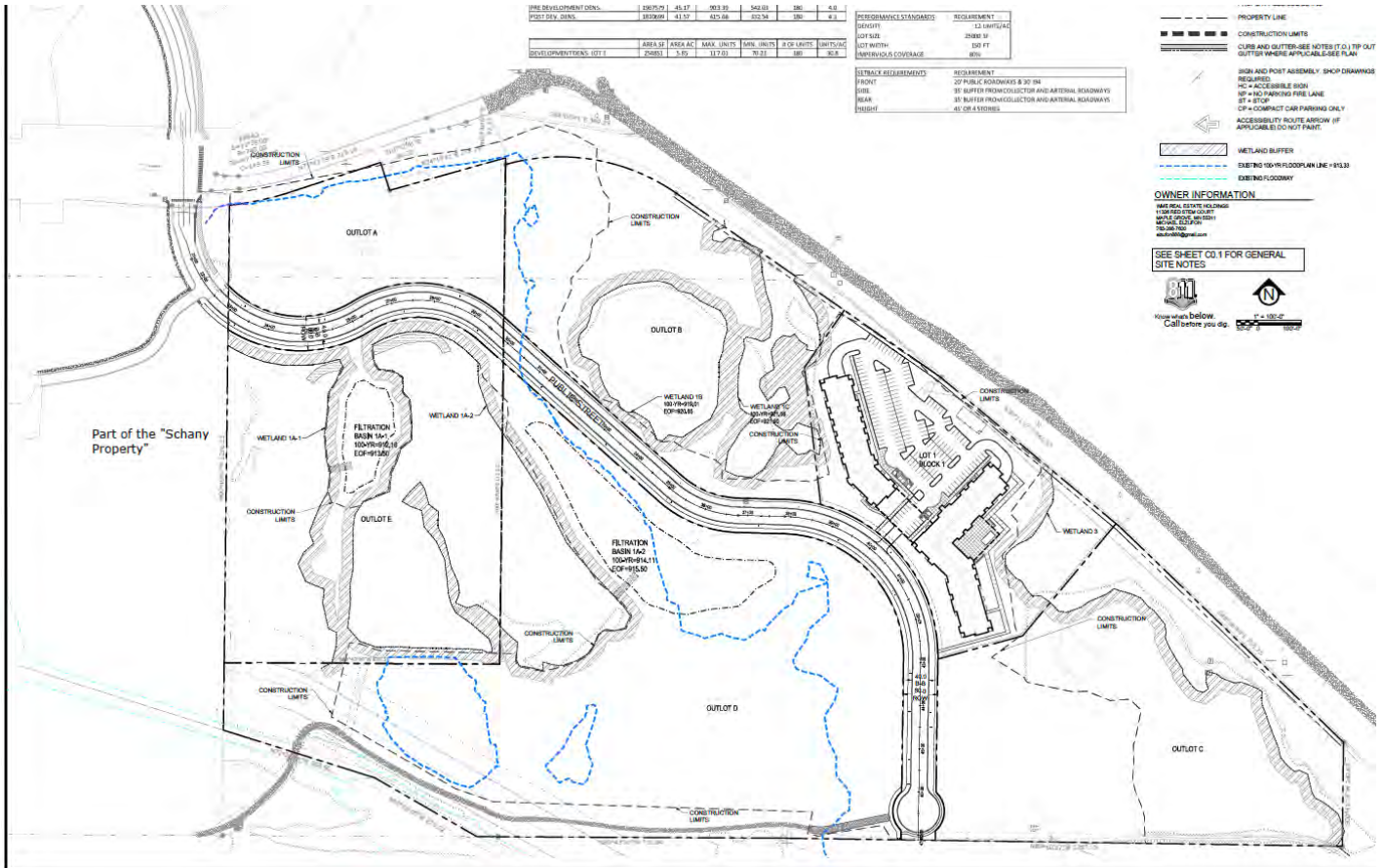
A ~~66-foot~~66-foot easement for roadway purposes over the North 66 feet of the Northwest Quarter of the Northwest Quarter of Section 6, Township 119 North, Range 22 West of the 5th Principal Meridian.

Hennepin County, Minnesota

Abstract Property

EXHIBIT B TO DEVELOPMENT CONTRACT FOR PARKWAY NEIGHBORHOOD

Depiction of the Development Site



**EXHIBIT C
TO
DEVELOPMENT CONTRACT FOR PARKWAY NEIGHBORHOOD**

*Legal Descriptions of the Property and the City Property
Following Recording of the Plat*

Lot 1, Block 1, and Outlots A, B, C, D, and E, Parkway Neighborhood, according to the recorded plat thereof, Hennepin County, Minnesota

**MORTGAGEE CONSENT
TO
DEVELOPMENT AGREEMENT FOR PARKWAY NEIGHBORHOOD**

Highland Bank, which holds a mortgage on the Property, which Property is identified in the foregoing Development Agreement, and the development of which is governed by the same, agrees that the Development Agreement shall remain in full force and effect even if it forecloses on its mortgage.

Dated this _____ day of _____, 2025.

HIGHLAND BANK

By: _____
[printed name]

Its: _____
[printed title]

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by _____ [printed name], the _____ [printed title] of Highland Bank, on its behalf.

Notary Public

DRAFTED BY:
CAMPBELL KNUTSON
Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, MN 55121
Telephone: (651) 452-5000
AKLS

**FEE OWNER CONSENT
TO
DEVELOPMENT AGREEMENT FOR PARKWAY NEIGHBORHOOD**

GORDON ROBERG AND KATHY ROBERG, married to each other, fee owners of all or part of the Property, which Property is identified in the foregoing Development Agreement, and the development of which is governed by the same, affirms and consents to the provisions of Such Development Agreement, and agrees to be bound by the provisions as the same may apply to that portion of the Property owned by them.

Dated this _____ day of _____, 2025.

Gordon Roberg

Kathy Roberg

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Gordon Roberg, spouse of Kathy Roberg.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Kathy Roberg, spouse of Gordon Roberg.

Notary Public

DRAFTED BY:
CAMPBELL KNUTSON
Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, MN 55121
Telephone: (651) 452-5000
AKLS

[BANK LETTERHEAD]

IRREVOCABLE LETTER OF CREDIT

No. _____

Date: _____

TO: City of Dayton

Dear Sir or Madam:

We hereby issue, for the account of _____ and in your favor, our Irrevocable Letter of Credit in the amount of \$_____, available to you by your draft drawn on sight on the undersigned bank.

The draft must:

a) Bear the clause, "Drawn under Letter of Credit No. _____, dated _____, 202__, of (Name of Bank)_____";

b) Be accompanied by an affidavit signed by the Mayor or City Clerk of the City of Dayton certifying that _____ is in default of the Development Agreement with the City of Dayton and that ten (10) business days prior written notice has been given by the City to the Developer with respect to the existence of such default, and such default has not been cured.

c) Be presented for payment at _____ (Address of Bank)_____, on or before 4:00 p.m. on November 30, 202__.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Dayton City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: Dayton City Administrator, Dayton City Hall, 12260 South Diamond Lake Road, Dayton, MN 55327, and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 600.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____

ITEM:

Consideration of an Amendment to the Dayton Zoning & Subdivision Ordinance Related to Public Hearing Notification Requirements

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

Previously discussed by both the Planning Commission and City Council, staff has drafted an ordinance amendment to increase the area for notice to surrounding properties for all required public hearings. Minnesota state statute requires that the notice area for public hearings at the municipal level be a minimum of 350 feet. Current ordinances in place for the City of Dayton require notification to all property owners within 500 feet. To reach a larger number of residents regarding proposed conditional/interim use permits, preliminary plats, and rezonings, staff has drafted an ordinance setting the notification requirements to all property owners within 1,320 feet, or ¼ mile.

RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

PLANNING COMMISSION:

The Planning Commission held a public hearing on this item at their regular meeting on March 6, 2025, and unanimously recommended approval of the amendment.

RECOMMENDATION:

Staff recommends that the City Council approve the ordinance amendment.

ACTION:

The City Council has the following options:

- A. Motion to **approve** the Ordinance Amendment as drafted.
- B. Motion to **approve** of the Ordinance Amendment with revisions identified by the City Council.
- C. Motion to **deny** of the Ordinance with findings of fact to be provided by the City Council.
- D. Motion to **table** action on the item with direction to be provided to Staff by the City Council.

ATTACHMENT(S):

Ordinance No. 2025-06

350', 500' and 1,320' Notification Maps of DCM Farms property for reference

ORDINANCE NO. 2025-06

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

**AN ORDINANCE AMENDING DAYTON CITY CODE
RELATING TO SECTIONS 1001.10 PLANNED UNIT DEVELOPMENT, 1001.23
CONDITIONAL AND INTERIM USE PERMITS, 1001.28 ADMINISTRATION AND
ENFORCEMENT, 1002.04 APPLICATION OF CHAPTER, AND 1002.05
PRELIMINARY PLAT PROCEDURES RELATED TO PUBLIC HEARING
NOTIFICATION REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMENDMENT. Dayton City Code Section 1001.10 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

...

Subd. 4 Procedure for Processing a Planned Unit Development (PUD)

...

(3) *Master Development Plan Review.*

a. *Purpose.* The master development plan provides the overall general plan for the proposed planned unit development including proposed land uses and their intensities, general development layout and design; and the timing and staging of various phases. Once adopted all subsequent development within the defined Master Development Plan shall be consistent with this plan.

b. The following exhibits and written narratives shall be submitted to the City by the proposed developer as a part of the application for a master development plan PUD.

c. An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations including public benefits it is providing.

d. A list of the present ownership of all the land included within the planned development and a list of property owners within ~~500~~1,320 feet (one-quarter mile) of the outer boundaries of the property.

...

SECTION 2. AMENDMENT. Dayton City Code Section 1001.23 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

Subd. 1 Conditional Use Permits

...

(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 ~~500-1,320~~ feet (one-quarter mile) of the boundaries of the property in question. (This item is not required for administrative conditional use permit applications.)

...

(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 ~~500-1,320~~ feet (one-quarter mile) 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.

...

SECTION 3. AMENDMENT. Dayton City Code Section 1001.28 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

...

Subd. 2 Zoning Ordinance Text and Map Amendments

...

(3) *Notice.*

...

- b. Upon receipt of a complete application, as determined by the City, and following preliminary staff analysis of the application, the City, when appropriate, shall set a public hearing following proper hearing notification. Notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed at least 10 days prior to the hearing to all owners of land within ~~500-1,320~~ feet (one-quarter mile) of the boundary of the property in question.

...

SECTION 4. AMENDMENT. Dayton City Code Section 1002.04 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

...

Subd. 3 Preliminary Concept Plan

...

(5) *Additional required submittals.* The requestor shall submit the following minimum materials or exhibits, unless specifically waived by City staff:

a. Names and addresses on mailing labels of all the owners for parcels under consideration and of all owners within a minimum of ~~500~~1,320 feet (one-quarter mile). The ~~500~~1,320 feet radius should be increased in areas where there are fewer than 25 property owners within the ~~500~~1,320 feet perimeter of the parcels included in the concept plan so that notices are sent to a minimum of 25 property owners.

...

SECTION 5. AMENDMENT. Dayton City Code Section 1002.05 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

Subd. 1 Filing

...

(2) *Public hearing.*

a. Upon delivery of the application, the Zoning Administrator shall set a public hearing date before the Planning Commission in accordance with Subdivision 1(2) of this Subsection, and distribute the preliminary plat and submittals to appropriate staff and referral agencies. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.

b. Notice of the hearing shall consist of a property identification number and street address or common description, a description of the request, and a map detailing the property location, and shall be published in the official newspaper at least 10 days prior to the hearing.

c. Written notification of the hearing shall be mailed at least 10 days prior to the hearing date to all owners of land within ~~500~~1,320 feet (one-quarter mile) of the boundary of the property in question.

...

SECTION 6. 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 25th day of March 2025

Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____ Seconded by _____

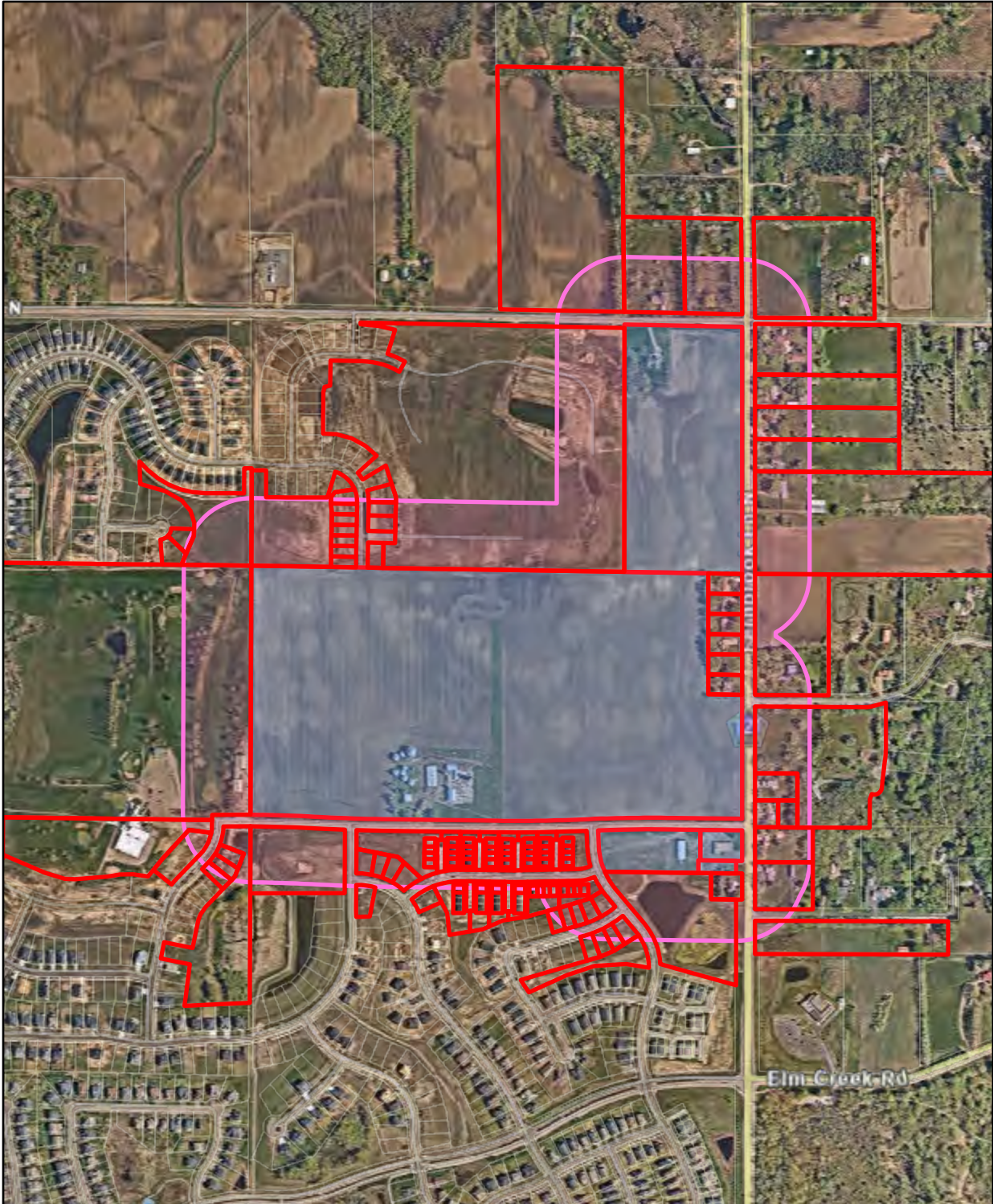
Motion passed _____

Published in the THE PRESS on _____



Hennepin County Locate & Notify Map

Date: 2/24/2025



Buffer Size: 350

134 Parcels Included in Buffer Area

Map Comments:

Statutory Requirement of 350 feet.

0 205 410 820 Feet
|-----|-----|-----|

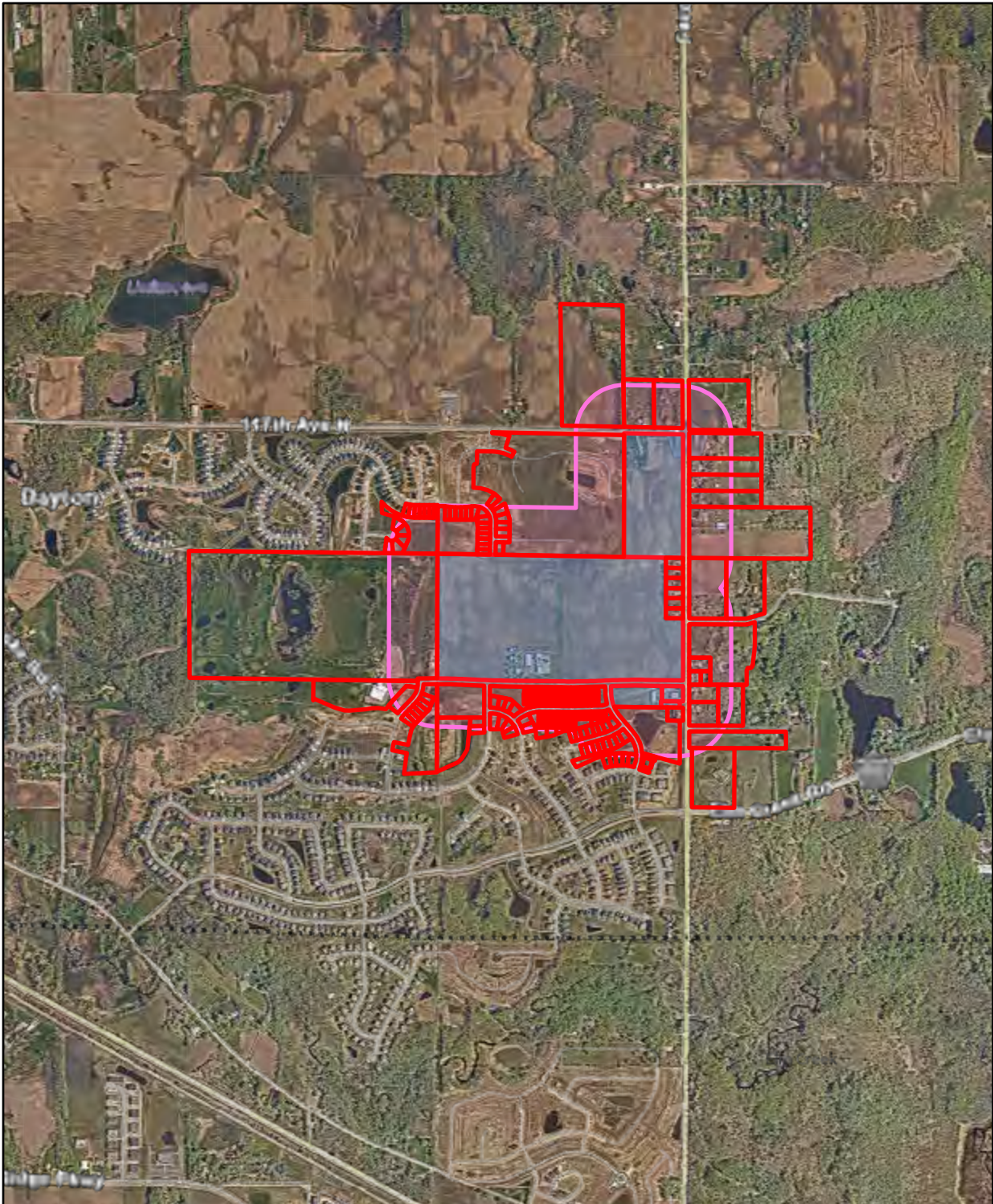
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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



Hennepin County Locate & Notify Map

Date: 2/24/2025



Buffer Size: 500

189 Parcels Included in Buffer Area

0 385770 1,540 Feet

Map Comments:

500 Foot Notification Map - City Code Current Standard

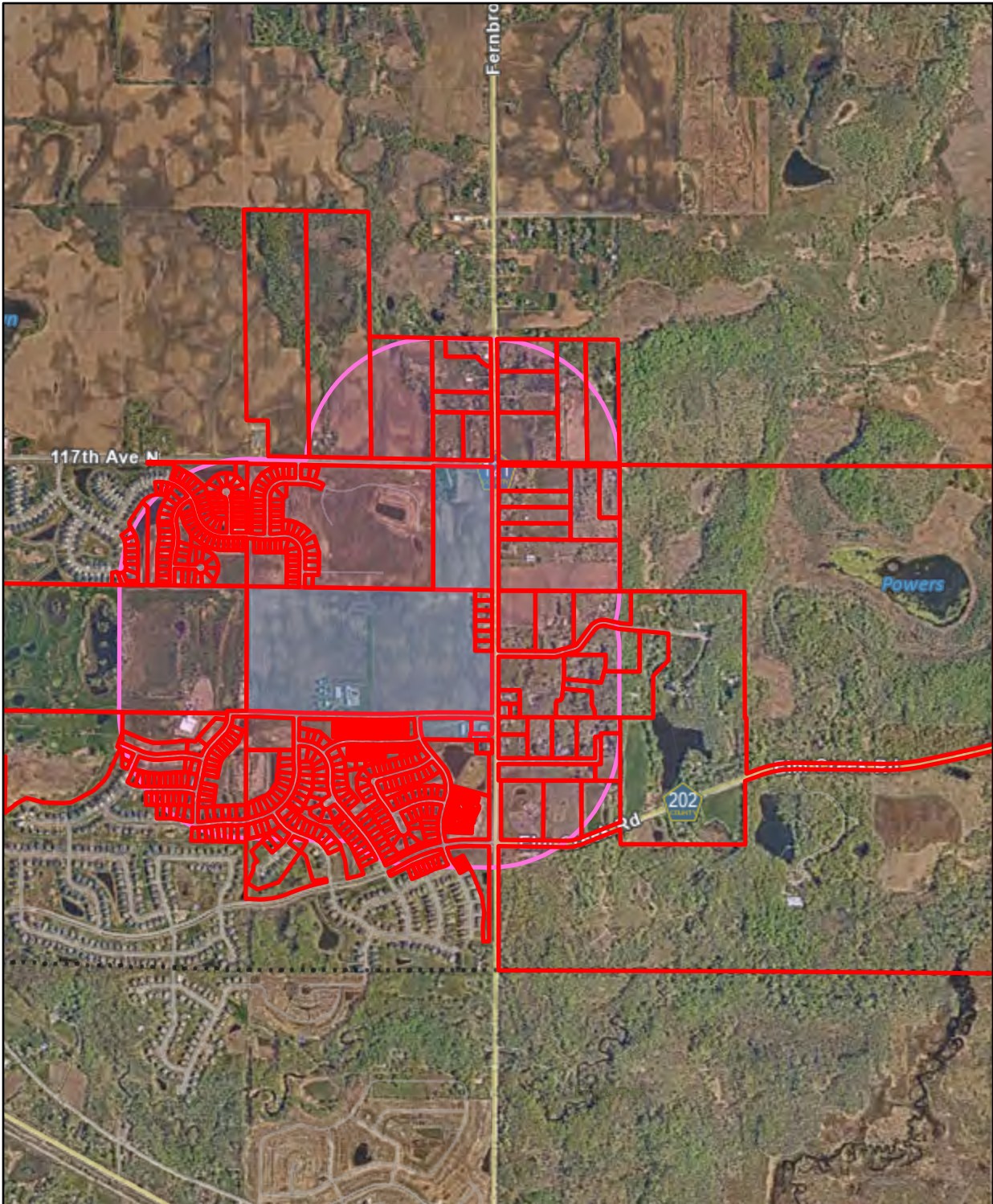
This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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



Hennepin County Locate & Notify Map

Date: 2/24/2025



Buffer Size: 1320

0 385770 1,540 Feet

Map Comments:

Proposed City Code requirement of 1,320-foot notification distance, DCM Farms properties used as an example.

528 Parcels Included in Buffer Area

This map was used to notify surrounding property owners of the DCM Farms preliminary plat public hearing.

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

ITEM:

Comprehensive Plan Amendment, City Code Amendment, related to A-3 District

APPLICANT:

City of Dayton

PREPARED BY:

Jon Sevald, Community Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Motion to Approve a Resolution Amending the Comprehensive Plan, and Approve an Ordinance adopting the A-3 zoning district.

BACKGROUND:

In February 2024,¹ the City Council and Planning Commission held a Work Session to complete a visual preference survey; "*Is this your vision of Dayton?*" The intent was to define "rural character". Observations where there was at least a 2:1 preference:

- Preserve agricultural buildings that can be repurposed
- Unique development entrances which hide homes from main roads
- Sidewalks, trails, and landscaped buffers
- Large lots with deep setbacks to homes
- More space in between homes
- Curvy roads
- Paved roads over gravel roads
- Viewsheds (vistas) of natural open space

The takeaway from the Work Session discussion is that the Council/Commission desires a variety of housing types, lot sizes, and preservation of open space vistas and agricultural structures. Suburban in the south and rural in the north. Discussions from the February 2024 Work Session should be considered when reviewing subdivision plans.

In June 2024, the Commission and Council considered a Concept Plan for the Shany Parcel, including 14 unsewered lots near Lake Laura. Both the Commission and Council were supportive of unsewered development, noting that this is inconsistent with the Comprehensive Plan and Zoning Code. The Comprehensive Plan guides most of northwest Dayton as sewered *Low Density Residential*, 2-5 units per acre.² The Shany Parcel is zoned A-1 Agricultural, intended for agricultural uses in areas that are not served by sewer and water. The A-1 minimum lot size is 40-acres.

In August 2024, City and Metcouncil representatives met to discuss; (1) removing northwest Dayton from the Metropolitan Urban Service Area (MUSA); and, (2) alternatives to 1:40

¹ [February 13, 2024](#) Work Session.

² City of Dayton [2040 Comprehensive Plan](#), Table 3 (Land Use Categories), Figure 3 (Future Land Use Map), Table 4 (Future Land Uses).

residential density. The Metcouncil will not remove any part of Dayton from the MUSA because this would be inconsistent with the Metcouncil's systems plan.^{3 4} The Metcouncil stated that they will support unsewered 4:40 density as an interim use such that unsewered 4:40 density does not preclude future sewer development.⁵

In December 2024 and January 2025, the Commission discussed creating an A-3 district with unsewered 4:40 density. Further discussion occurred at a joint Council/Commission meeting on February 25, 2025, in which an outline of the Draft A-3 district was reviewed.

Comprehensive Plan Amendment

The proposed Amendment creates a new land use category; *"Unsewered Low Density Residential Interim Use"*. The Future Land Use map will be amended to illustrate the applicable area (about 2,800 acres).

The city is required to submit the Amendment to affected jurisdictions for comments (e.g. adjacent cities, school districts, DNR, etc.), which have **six months** to comment. These are typically completed in days or weeks (vs. months). After City Council approval, the Amendment must be submitted to the Metcouncil for review. The Metcouncil must issue an *Authorization to put the Amendment into effect*, prior to land being rezoned to A-3, and being developed. The Metcouncil has **four months** to take action.⁶ Amending one area of the Plan may cause a domino effect elsewhere (e.g. if Metcouncil determines there is a cumulative impact to local water management, and supply plans, as an example). Thus, there may be some back & forth edits needed.

It is Staff's intent to expedite this Amendment.

Zoning Ordinance Amendment

The proposed Amendment creates the A-3 Agricultural district. A landowner (or developer) may petition the city to rezone land from A-1 to A-3, if within the area guided *"Unsewered Low Density Residential Interim Use"*.

Although the area includes about 2,800 acres, subdivisions are only applicable to parcels 20 acres or larger (e.g. 1:10 density = 2 homes on 20 acres). Twenty-nine parcels meet this criteria, equating to 112 building entitlements (includes existing homes). In other words, when

³ Metropolitan Council 2015 Systems Statement; City of Dayton. Thrive MSP 2040 identifies all of Dayton as an "Emerging Suburban Edge" Community... .. *"Emerging Suburban Edge communities are expected to plan for forecasted population and household growth at average densities of at least 3-5 units per acre for new development and redevelopment"* ...

⁴ MN Statute 473.175, Subd 1 (Review of Comprehensive Plans) ... *"The council may require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans."* ...

⁵ **NOTE:** The origin of the 4:40 and 1:10 residential density is the Metropolitan Council's 1988 Regional Development Framework and Water Policy Plan. Agricultural Preserve = 1:40 density. Urban Reserve = 4:40 density (1:10).

⁶ [MN Statute 473.175, Subd 2](#) (120-day limit).

considering 200+ homes are built in Dayton annually, development in the A-3 district should not result in a substantial impact to city services (comparatively).

CRITICAL ISSUES:

The overall intent of the A-3 district is to allow unsewered residential subdivisions with a 4:40 density, while preserving land for future sewer development. The challenge is by what means should land be preserved? Based on the Council/Commission's February 25th discussion, the answer may vary depending on the project. Guidelines include:

- a. *Reserve land resources for efficient future urban development.*

Example: Require outlots for land in excess of developable lots, e.g. 40-acre parcel with four 1.5 acre lots, and one 34 acre outlot. The outlot would be unbuildable until which time regional sewer is available.

- b. *Identify land characteristics required to support future urbanization.*

Example: Referring to the Comprehensive Plan's Ultimate Sewer plan, each A-3 subdivision is to demonstrate how regional sewer can be installed. For example, if the Ultimate Trunk Sanitary Sewer map indicates a Proposed City Sewer line through the project area (e.g. in-between two lots), the development should accommodate a D&U easement for future sewer (e.g. 20' D&U easement vs standard 10' easement).

- c. *Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.*

Example: Clustering lots such that development consumes no more than 25% of the project area.

- d. *Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.*

Example: Require Ghost Platting to demonstrate how each unsewered lot can be further subdivided for sewer density. Require unsewered homes to be located on a Ghost Lot such that it complies with typical home setbacks (10' side yard setback, etc). The intention is to avoid an unsewered home from consuming more than one ghost lot.

- e. *Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.*

Example: When regional sewer becomes available, allow land to be rezoned.

It should be emphasized that there are no known good examples where Ghost Platting unsewered developments for future sewer development has been done successfully on a

large scale. Wildwood Springs (1990) is an example of an unsewered development ghost platted for sewer lots. The city has received several inquiries from homeowners wishing to subdivide (requires sewer & water). Single-lot re-subdivision is not economical. It's more likely that re-subdivision would require a city initiative to extend sewer & water throughout the neighborhood at the time of street replacement (20-50 years).



Ghost Plat of Wildwood Springs (1990), Dayton. Red outline = examples of existing unsewered lots.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission conducted a Public Hearing at its March 6, 2025 meeting, recommending Approval.

STAFF RECOMMENDATION:

Staff recommends Approval.

Upon Staff's review of the Zoning Code, omissions were found related to the GMU-4 and GMU-5 districts. Additional text has been added. This does not relate to the A-3 district but is a minor "clean-up".

During the February 25th Council/Commission Work Session, questions were asked of what is the Metcouncil's authority. The Metcouncil's authority is provided in MN Statute 475.175 which requires comprehensive plans to not have a substantial departure from metropolitan systems plans. Attached is case law challenging the Metcouncil's systems plan.

CITY COUNCIL REGULAR MEETING

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
N/A		

RELATIONSHIP TO COUNCIL GOALS:

Build Quality Infrastructure

Planning Ahead to Manage Thoughtful Development

Preserving Our Rural Character

Create a Sought After Community

BUDGET IMPACT:

N/A

ATTACHMENT(S):

Resolution 17-2025, Amending the Comprehensive Plan

Ordinance 2025-07, Amending the Zoning Ordinance

Map of eligible A-3 parcels

Ultimate Trunk Sewer Plan

Comprehensive Plan Amendment Form

Metcouncil memo, Nov 21, 2023

2015 System Statement for the City of Dayton

City of Lake Elmo v. Metropolitan Council

RESOLUTION No. 17-2025

**CITY OF DAYTON
COUNTY OF HENNEPIN AND WRIGHT
STATE OF MINNESOTA**

**A RESOLUTION AUTHORIZING SUBMITAL OF A
COMPREHENSIVE PLAN AMENDMENT TO THE METROPOLITAN COUNCIL
FOR REVIEW RELATED TO CREATING THE LAND USE CATEGORY:
UNSEWERED LOW DENSITY RESIDENTIAL INTERIM USE**

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and,

WHEREAS, the City of Dayton adopted the 2040 Comprehensive Plan on September 27, 2022 (Resolution 70-2022); and,

WHEREAS, the City of Dayton Planning Commission conducted a Public Hearing on March 6, 2025 to amend the Comprehensive Plan, creating the land use category of “*Unsewered Low Density Residential Interim Use*”. The intent of this category is to allow for unsewered residential development with a gross density of 4 units per 40 acres as an interim use, intending for the future residential re-development at a density consistent with Metropolitan Council system policies at the time regional sanitary sewer becomes available. The Planning Commission recommended Approval of the amendment; and,

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed Amendment was submitted to adjacent governmental units and affected special districts and school districts for review and comment on March 20, 2025; and,

THEREFORE, BE IT RESOLVED, that the City Council approves an Amendment to the 2040 Comprehensive Plan related to creating a land use category; “*Unsewered Low Density Residential Interim Use*”; and,

THEREFORE, BE IT FURTHER RESOLVED, pending no objections from adjacent governmental units and affected special districts and school districts, the City Council authorizes Staff to submit this Amendment to the Metropolitan Council for review, and authorizes Staff to make any necessary edits without further review by the City Council.

Adopted by the City Council of the City of Dayton on this 25th day of March, 2025.

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

Motion by _____. *Second by* _____.
Resolution **Approved**.

ORDINANCE No. 2025-07

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

**AN ORDINANCE AMENDING CITY CODE CHAPTER 1001 (ZONING) AND CHAPTER 1002
(SUBDIVISION), CREATING THE A-3 ZONING DISTRICT,
AND MISCELLANEOUS CORRECTIONS**

SECTION 1. AMENDMENT. Dayton City Code 1001 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language, which reads as follows:

§1001.03 RULES AND DEFINITIONS.

Subd. 2 Definitions.

For the purposes of this chapter, certain terms and words are described as follows:

Density, Gross

The number of dwelling units per acre of land.

Density, Net

~~The number of dwelling units per acre of net developable acres of land (excluding water, wetlands and arterial roadways).~~ Net acreage, as defined by the Metropolitan Council, does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinances such as steep slopes.

§1001.04 CLASSIFICATION OF DISTRICTS

Subd. 1 Districts.

For the purpose of this chapter, the City of Dayton is hereby divided into classes of districts, which shall be designated as follows:

Special Protection Districts	
GFP	General Floodplain
MRCA	Mississippi River Critical Area

Residential Districts	
A-1	Agricultural
SA	Special Agricultural
A-2	Special Homestead Agricultural
<u>A-3</u>	<u>Agricultural</u>

RO	Old Village Residential District
R-1	Single-Family District (15,000 square feet minimum lot size)
R-1A	Single-Family District with Lot Averaging
R-2	Single-Family District (90,000 square feet minimum lot size)
R-E	Residential Estate District (5 acre minimum lot size)
R-T	Attached and Detached Transitional District
R-M	Medium Density Residential District
RH	High Density Residential District
RHM	Manufactured Housing District

Non-Residential Districts	
B-1	Office Business District
B-2	Neighborhood Commercial District
B-3	General Business District
B-4	Commercial/Industrial District
VM	Village Mixed Use District
I-1	Light Industrial District
I-2	Heavy Industrial District
B-P	Business Park District
P-R	Public and Recreational District
GMU-1	General Mixed Use - Highway 81 Corridor
GMU-2	General Mixed Use - City Center
GMU-3	General Mixed Use - Historic Village
GMU-4	General Mixed Use District-4 (GMU-4): Balsam Lane
GMU-5	General Mixed Use District-5 (GMU-5): Southwest Mixed-Use

Overlay Districts	
CR	Critical Rivers Area
SH	Shoreland
PUD	Planned Unit Development

(1) A-1, Agricultural District. The intent of this district is to encourage and preserve for as long as possible the predominantly agricultural character of the Dayton area; to facilitate to the maximum extent possible agricultural activities with density at a minimum of 1 unit per 40 acres; to restrict the use of land which would be incompatible with or detrimental to agricultural activities.

(2) SA, Special Agricultural District. The intent of this district is to provide for the long-term preservation of agricultural land. The owner of land at least 10 acres in size and devoted to agricultural or related purposes may petition the City to have the property zoned as special agricultural. In the zones, only agricultural and accessory uses shall be permitted with no more than 1 dwelling per 40 acres.

(3) A-2, Special Homestead Agricultural. The intent of this district is to allow subdivision of the homestead portion of a parcel from the remaining acreage while maintaining a density of 1 unit per 40 acres by creating a homestead parcel and a non-buildable outlot for the remainder of the nominally 40 acre or larger parcel. The A-2 zone is intended for agricultural use in areas that are not served by public sewer and water.

(4) A-3, Agricultural District. The intent of this district is to allow residential development with a gross density of 4 units per 40 acres with the following guidelines:

- a. Reserve land resources for efficient future urban development.
- b. Identify land characteristics required to support future urbanization.
- c. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
- d. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
- e. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.

~~(4)~~ RO, Residential Historic Village District. It is the intent of this district is to allow development and redevelopment within the residential areas of the Historic Village of Dayton. All new development should be in keeping with the scale and character of the area and the existing platted lot configuration, and shall be connected to municipal sewer and water. A mix of residential dwelling types is anticipated with detached single-family dwelling as the primary housing type. New single-family detached, attached single-family development and small scale multi-family dwellings may be appropriate.

~~(5)~~ R-1, Residential Single-Family District. This district is intended to preserve, create and enhance single-family residential development at a minimum lot size of 15,000 square feet, when municipal sewer and water is available. Other uses, which are complementary to a single-family residential neighborhood, may also be developed with appropriate permits.

~~(6)~~ R-1A, Single-Family District with Lot Averaging. The intent of the R-1A, Single-Family Residential District with Lot Averaging is to provide for development of low-density neighborhoods with varying lot width and lot sizes that is planned in a manner that maintains the natural topography of the site, preserves more open space than what would otherwise be achieved, and preserves or enhances natural features on the site within private common and public open space.

~~(7)~~ R-2, Residential Single-Family District. This district is intended to preserve, create and enhance areas for low-density large lot single-family detached residential development and directly related, complementary uses on land that is: substantially developed with single-family detached residential dwellings on parcels of 90,000 square feet or larger; and areas where municipal services are not yet provided.

~~(8)~~ R-E, Residential Estate District. This district is intended is to provide for low-density, large lot, single-family detached residential dwelling units and directly related, complementary uses on land that is:

- a. Substantially developed with single-family detached residential dwellings on parcels of 90,000 square feet or larger;
- b. Adjacent to the Mississippi River bluff and within the critical area boundary;
- c. Located in areas of steep slopes, significant vegetation, wetlands or other unique natural features which, in the opinion of the City Council are necessary to maintain the character of the area or the community and which would be irreparably harmed by denser development; or
- d. Constrained by topographic or other physical conditions, where in the opinion of the City Council, municipal sanitary sewer service will not be practical.

~~(9)~~10) R-T, Attached and Detached Transitional District. This district is designed to allow a mix of single-family detached and single-family attached housing (with a maximum of 4 units per building) at a more moderate single-family density. The mix of detached and attached housing units shall reflect a minimum of 60% detached single-family and maximum of 40% attached or detached townhouse dwelling ratio in a given residential subdivision.

~~(10)~~11) RM, Medium Density Residential District. This district is designed to allow a variety of housing types including single-family attached and detached dwelling and multi-family with a minimum net density of 6 units per acre and maximum net density of 12 units per acre.

~~(11)~~12) RH, High Density Residential District. This district is designed to allow development of multi-family housing. It is intended that this district provide a mix of life-cycle housing choices throughout the City with a minimum net density of 10 units per acre or greater.

~~(12)~~13) RHM, Manufactured Housing District. This district is intended to create areas for manufactured home parks to accommodate manufactured homes, which do not comply with the standards established for single-family dwellings within other residential districts. It is also intended to preserve and enhance areas for medium density residential development of a manufactured home nature. It is further the intent to supplement applicable state laws pertaining to manufactured homes; to provide reasonable standards for site development of the parks; to avoid overcrowding; to provide setbacks and other development standards which will make the development standards more attractive, safe and pleasant to live in and compatible with other land uses and developments in the community.

~~(13)~~14) B-1, Office Business District. This district is intended to provide areas appropriate for office and service uses and uses that are compatible with commercial offices. A range of public, medical, and educational uses shall be available in the B-1 areas. Development is to be connected to municipal sewer and water.

~~(14)~~15) B-2, Neighborhood Commercial District. This district is intended to provide for the establishment of highly limited scale neighborhood commercial centers that offer basic, convenience-type goods and services to the immediately surrounding areas in which they are located. To avoid nuisance characteristics and require high quality site and architectural design in conformance with the character of and scale of the neighborhood. To minimize the nuisance influence on surrounding residential neighborhoods by limitations, performance standards, and control of uses; to exclude highway-oriented, strip commercial and businesses that would tend to disrupt the neighborhood stability. New development is to be connected to municipal sewer and water.

~~(15)~~16) B-3, General Business District. This district is intended to provide for the establishment of areas devoted to high intensity retailing and service activity primarily oriented toward motorists and requiring higher volumes of traffic and visibility from major roads. Uses will serve a City-wide and multi-community consumer market. Development is to be connected to municipal sewer and water.

~~(16)~~17) B-4, Commercial/Industrial District. This district is intended to provide areas for businesses that have both commercial and industrial characteristics. The district will include a mixture of commercial, office, and light industrial land uses, made mutually compatible through the enforcement of performance standards, to encourage and accommodate high quality, large scale development opportunities along intermediate arterial roadways within the City. Development is to be connected to municipal sewer and water.

~~(17)~~¹⁸ MV, Mixed Use Historic Village District. This district is intended to allow a mix of non-residential and residential uses along Robinson Street within the Historic Village area of Dayton. The district is designed to create a pedestrian oriented main street character where buildings are located abutting the public sidewalk and parking is located to the side or rear of the building. Development is to be connected to municipal sewer and water.

~~(18)~~¹⁹ I-1, Light Industrial District. The Light Industrial District is intended to provide for the establishment of warehousing and light industrial development. The overall character of the I-1 District is intended to have a low impact manufacturing/warehouse character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses and which have limited amounts of truck traffic in comparison to higher intensity industrial districts. Because I-1 may abut residential uses the I-1 uses are regulated in height, lot coverage, setbacks, landscaping, loading and use type so as to facilitate compatibility between these uses and residential development.

~~(19)~~²⁰ I-2, Heavy Industrial District. The intent of the I-2, Heavy Industrial District is to provide areas suitable for the location of general industrial activities, including heavy manufacturing and other such activities which, because of the nature of the product or character of operation, require more isolation from or special protections for non-industrial uses.

~~(20)~~²¹ B-P, Business Park District. The intent of the B-P, Business Park District is to provide for multi-use building and/or the establishment of business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities, including landscaping, preservation of natural features, increased architectural design, pedestrian facilities and other features.

~~(21)~~²² PR, Public Recreation District. This district is intended to allow for recreational activity on a single contiguous tract. Examples of this recreational activity would include, but not be limited to, golf courses, camping facilities, public parks, tennis clubs and bowling alleys. It is intended to include both publicly and privately owned facilities and can be operated on a fee or non-fee basis.

~~(22)~~²³ GMU-1, General Mixed Use - Highway 81 Corridor. This district is intended to provide an area for compact, walkable, mixed-use development along Highway 81 which has been identified as key community corridor and to support high quality development and site flexibility due to the unique site conditions in this area.

~~(23)~~²⁴ GMU-2, General Mixed Use - City Center. This district is intended to provide an area for compact, walkable, mixed-use development that also provides for the establishment of a community focal point with a blend of cultural, recreational, entertainment, commercial retail and office uses along key community corridors.

~~(24)~~²⁵ GMU-3 General Mixed Use - Historic Village. This district is intended to provide an area for compact, walkable, mixed-use development that is appropriately scaled with high quality architecture in conformance with the unique character of the Historic Village.

(26) GMU-4 General Mixed Use - This district is intended to provide an area for mixed-use development in a pedestrian friendly manner consistent with the goals of the Comprehensive Plan and the Mixed Use land use designation on Balsam Lane. A combination of retail, office, service and residential land uses are encouraged, although not required. New residential uses may also be entirely residential.

(27) GMU-5 General Mixed Use - This district is intended to provide an appropriate location to allow a pedestrian-friendly environment and diverse mix of compatible uses including high density residential, commercial, office, and employment driven industrial related uses. Properties zoned for GMU-5 sit adjacent to I-94/Dayton Parkway Interchange and Dayton Parkway and are envisioned to serve as a gateway to the City. Vertical development is highly encouraged when appropriate for the use.

(~~25~~28) CR, Critical Rivers Area. This district is designed to add controls and standards within the critical river area along the Mississippi River in a location as defined by the State of Minnesota to preserve and enhance the river and its associated natural, aesthetic, cultural and historic values.

(~~26~~29) SH, Shoreland. This district is designed to add controls and standards to ensure wise preservation, use and development of shorelands of protected waters as classified by the Minnesota Department of Natural Resources.

(~~27~~30) PUD, Planned Unit Development. This is an overlay district which allows flexibility from the strict application of zoning standards in exchange for improved design and public benefit. Development is to be connected to municipal sewer and water.

§1001.05 RESIDENTIAL DISTRICTS.

Subd. 11 Agricultural (A-3)

(1) Intent. The intent of this district is to allow residential development with a gross density of 4 units per 40 acres with the following guidelines:

- a. Reserve land resources for efficient future urban development.
- b. Identify land characteristics required to support future urbanization.
- c. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
- d. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
- e. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.

(2) Permitted uses. See Table 5.1 for a list of permitted uses.

(3) Permitted accessory uses. Uses such as those listed below that are customarily incidental and clearly subordinate to the permitted or approved conditional use. Also see Table 5.1 for a list of other permitted accessory uses.

- a. Private garages and agricultural accessory buildings, in accordance with district requirements.
- b. The renting of rooms in a single-family detached dwelling by a resident family for lodging purposes only and for the accommodation of not more than 2 roomers.
- c. Private swimming pools and tennis courts.

(4) Conditional uses. See Table 5.1 for a listing of conditional/interim uses.

(5) District requirements.

	<u>A-3</u>
<u>Minimum lot size</u>	<u>1.5 net acres</u>
<u>Minimum lot frontage</u>	<u>120 feet</u>
<u>Minimum corner lot front frontage</u>	<u>140 feet</u>
<u>Minimum lot width at setback</u>	<u>140 feet</u>
<u>Minimum lot depth</u>	<u>200 feet</u>
<u>Maximum impervious surface coverage</u>	<u>30%</u>

<u>Setbacks - Dwelling</u>	
<u>Front, side or rear to a street*</u>	<u>30 feet</u>
<u>Side</u>	<u>10 feet</u>
<u>Rear</u>	<u>30 feet</u>

Subd. ~~H~~12 Historic Village Residential District (RO)

(1) Intent. The RO zone is intended for residential development and redevelopment within and immediately adjacent to the Historic Village Area (vicinity of the CSAH 13 and CSAH 12 intersection and the Crow and Mississippi River confluence). Development and redevelopment of the area should be based on the Historic Village Plan. The village area is anticipated to be a low-density neighborhood of predominantly single-family residences, low-density multi family residences and senior housing surrounding a main street style commercial core centered on Robinson Street. The RO zone is intended for areas that are served by public sewer and water.

(2) Permitted uses. See Table 5.1 for a list of permitted uses.

(3) Permitted accessory uses. Uses such as those listed below that are customarily incidental and clearly subordinate to the permitted or approved conditional use. See Table 5.1 for a list of other permitted accessory uses.

- a. Private garages and accessory storage buildings in conformance with district requirements.
- b. The renting of rooms in a single-family detached dwelling by a resident family for lodging purposes only and for the accommodation of not more than 2 roomers.
- c. Private swimming pools and tennis courts.

(4) Conditional uses. See Table 5.1 for a listing of conditional/interim uses.

(5) District requirements.

Minimum district size	1 acre
Minimum lot size - detached single-family	9,000 sq. ft.
Minimum lot size - attached single-family and townhouse	6,000 sq. ft.
Minimum lot area - non-residential	4,500 sq. ft.
Minimum land area per multi-family unit	4,500 sq. ft.
Minimum lot frontage - detached single-family	60 feet
Minimum lot frontage - non-residential	40 feet
Minimum corner lot front frontage - detached single-family	80 feet
Minimum lot depth - detached single-family	120 feet

(6) Dwelling setbacks.

Front, side or rear to a street	30 feet
Side*	10 feet dwelling and 5 feet non- dwelling
Rear*	20 feet
Decks and attached open structures	
Front, side or rear to a street	20 feet
Side	5 feet
Rear	10 feet
* May be reduced to 0 feet for attached single-family, townhomes and non-residential uses when approved as part of a final site and building plan or part of an approved planned development.	

(7) Non-residential buildings.

Front (Robinson St.)	0-5 feet required build-to line for new construction
Side (other streets)	10 feet
Side	10 feet

Subd. ~~42~~13 Allowable Uses; Table 5.1

Table 5.1		N-Not Permitted				
Residential - Agricultural Use Classifications		P-Permitted				
		C-Conditional Permit				
		I-Interim Use Permit				
		A-Accessory				
		Zoning District				
		SA	A-1	A-2	<u>A-3</u>	RO
Accessory buildings		A	A	A	<u>A</u>	A
Agriculture		P	P	P	<u>P</u>	N
Attached or interior accessory dwelling unit as regulated by Subsection 1001.36		A	A	A	<u>A</u>	N
Bed and breakfast		N	I	I	<u>I</u>	I
Boarding houses		N	I	I	<u>I</u>	I
Bus/transit station		N	C	C	<u>C</u>	C
Cemeteries		N	C	C	<u>C</u>	N
Commercial composting and land spreading		I	I	I	<u>I</u>	N
Commercial recreation		N	C	C	<u>C</u>	N
Day care 13 or fewer persons ¹		A	A	A	<u>A</u>	A
Day care 14 or more persons ¹		C	C	C	<u>C</u>	C
Detached accessory dwelling units as regulated by Subsection 1001.36		I	I	I	<u>I</u>	N

Essential services	P	P	P	<u>P</u>	P
Event center	I	I	N	<u>I</u>	N
Fences*	A	A	A	<u>A</u>	A
Feedlots and poultry facilities ¹	C	C	C	<u>C</u>	P
Golf courses/driving ranges	N	N	N	<u>N</u>	N
Home occupation	A	A	A	<u>A</u>	A
Home extended business	I	I	I	<u>I</u>	I
Horse boarding and riding facilities	C	C	C	<u>C</u>	N
Junk yards	N	N	N	<u>N</u>	N
Kennels	C	C	C	<u>C</u>	N
Mining	C	C	C	<u>C</u>	N
Mobile home park	N	N	N	<u>N</u>	N
Multi-family attached residences	N	N	N	<u>N</u>	C
Nursery wholesale	C	C	C	<u>C</u>	N
Nursing homes	N	N	N	<u>N</u>	C
Park and public uses	P	P	P	<u>P</u>	P
Public utility stations	P	P	P	<u>P</u>	C
Religious institutions	N	C	C	<u>C</u>	C
Residential care facility serving 6 or fewer people ¹	A	A	A	<u>A</u>	A
Residential care facility serving 7 or more people ²	N	N	N	<u>N</u>	N
Restaurants and liquor establishment (accessory)	N	N	N	<u>N</u>	N
Schools	N	N	N	<u>C</u>	C
Senior citizen housing	N	N	N	<u>N</u>	C
Single-family attached residences	N	N	N	<u>N</u>	C
Single-family detached residences	P	P	P	<u>P</u>	P
Towers - amateur radio	C	C	C	<u>C</u>	C
Two-family dwellings	N	N	N	<u>C</u>	C
Veterans Outpatient Treatment Facilities (on parcels at least 30 gross acres in size)	N	I	N	<u>I</u>	N
NOTE: Any use not listed above as a permitted, conditional use, or interim use is not permitted.					
¹ Must be licensed by the State of Minnesota.					
² When part of a PUD.					
* For fences see fence guidelines in Section 1001.24 Subd. 7.					

SECTION 2. 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 25th day of March, 2025.

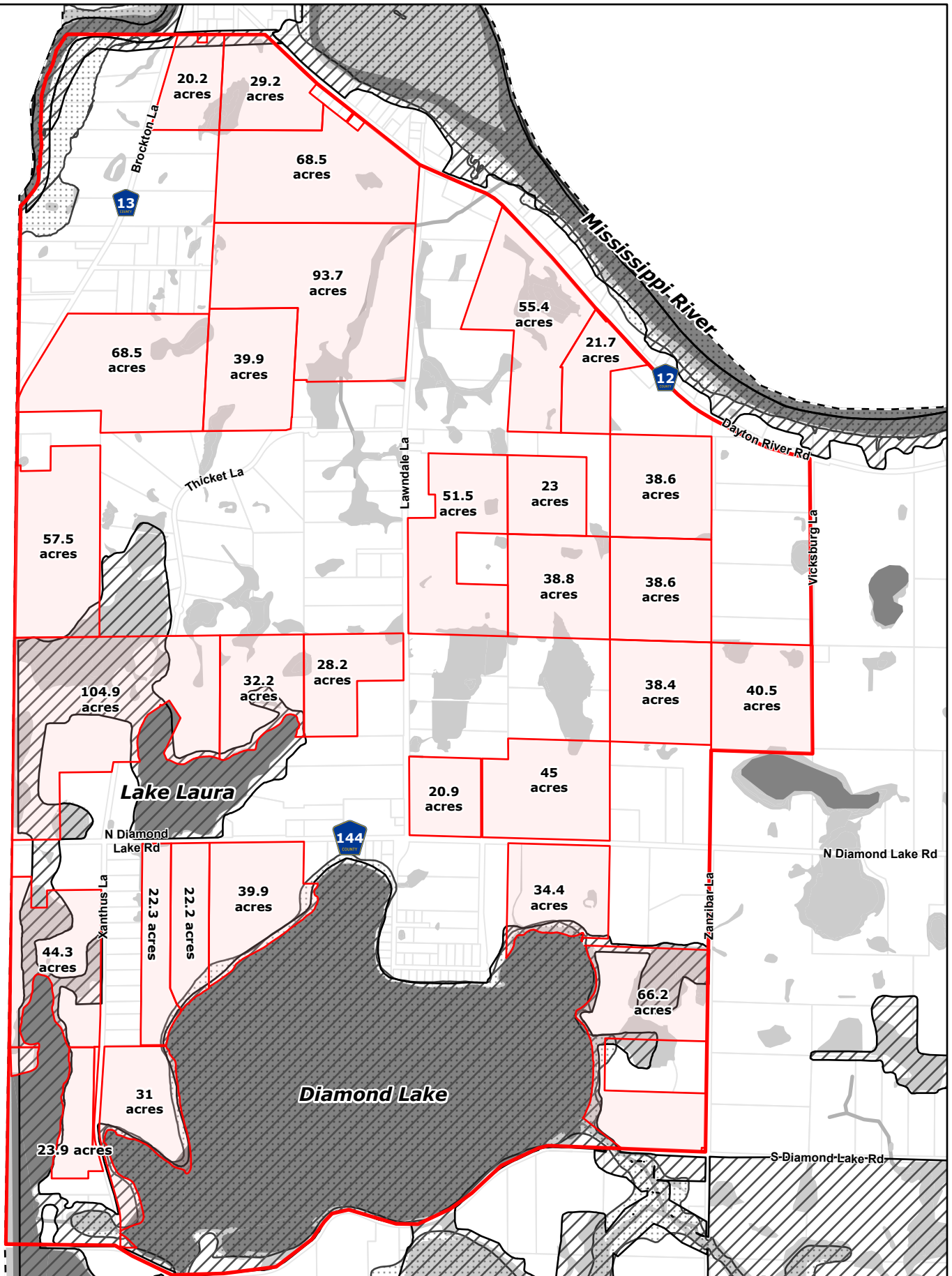
Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____, Seconded by _____.
Motion passed.

Published in THE PRESS on _____.



Legend

- Parcels >20
- Lake
- Greenway Overlay
- Stream
- 100 Year FEMA Floodplain
- National Wetland Inventory

Parcels > 20 Acres

N



0 500 1,000 2,000 3,000
Feet

COMPREHENSIVE PLAN AMENDMENT FORM

LOCAL PLANNING HANDBOOK

1. Name of the Comprehensive Plan Amendment (CPA):

2. Please provide the following information:

Contact Name and Title	
Address	
City, State, Zip	
Telephone Number	
Email Address	

3. Identify the type of amendment (land use change, MUSA expansion, staging change, text change, forecast adjustment, etc.) and describe the amendment including location, description, affected area in acres, number of market-rate residential units in CPA area (if any), number of affordable units in CPA area (if any), etc. Provide any additional information relevant to the amendment.

Type of
Amendment

Detailed
Description

4. The local governing body must take action on the proposed amendment before submittal to the Metropolitan Council. Provide the dates of official action.

- Date acted upon by the planning commission: _____
- Date approved by governing body: _____

5. Affected Jurisdiction Review: list the adjacent local governments, school districts and other jurisdictions that were contacted and the date the copies were sent.

Jurisdictions

Date Sent

Comments

6. **Forecasts:** Does the plan amendment change the adopted population, household, or employment forecasts?

- ☐ No, no change in community-level forecasts.
- ☐ Yes. Identify the net changes to community-level forecasts:

7. **Land Use:** Describe land use changes specific to this amendment site (in acres). Provide only the acreage of the amendment site. Do not provide the total acreage of the land use designations across the jurisdiction.

- ☐ Not applicable. No land use changes proposed.

Current Guiding Land Use*	Proposed Guiding Land Use	Acreage

**The current guiding land use field may not apply to amendments for annexations. If so, you may leave this field blank and only provide information for the proposed guiding land use.*

If you have more land use changes than space permits in this table, please attach a separate page to your amendment document. If the land use changes are more complex and cannot be captured in this table, please attach a separate page with additional description and the acreage of existing and proposed guiding land uses for the amendment site.

8. **Housing:** If proposing a land use change that includes residential uses, does the change impact land expected to develop or redevelop in the 2021-2030 decade?

- ☐ Yes
- ☐ No

9. **Wastewater:** What type of wastewater treatment will be used to serve the proposed amendment?

- ☐ Individual Sewage Treatment System (ISTS)
- ☐ Privately Owned / Community Treatment System
- ☐ Local / Municipal Owned Wastewater Treatment Plant
- ☐ Regional Wastewater Treatment

10. **Water Supply:** Will the amendment increase or decrease projected water use from the community's current water supply plan?

- ☐ No increase or decrease in projected water use from the water supply plan.
- ☐ Yes. Provide the water supply plan amendment as an attachment to describe necessary facilities improvements or changes.

11. Parks and Trails: Does the amendment include, or is adjacent to or within 1/2 mile of an existing or planned regional park, reserve, or trails as identified in the Metropolitan Council's 2040 Regional Parks Policy Plan?

- ☐ No.
- ☐ Yes. If yes, indicate the name of the regional park, reserve, or trail and describe potential impacts and mitigation plans below:

12. Implementation: Will the amendment require changes in zoning or subdivision ordinances, the capital improvement program (CIP), or other official controls?

- ☐ No.
- ☐ Yes. If Yes, describe proposed changes and timeline for making those changes below:

Changes

Timeline

CONTENT REQUIREMENTS FOR AN AMENDMENT

Your comprehensive plan amendment must include the following information to be considered complete:

1. Color maps showing the following:

- General location of proposed changes (scaled appropriately for the site)
- Current planned land use and proposed planned land use
- Current and proposed sewer staging changes

2. Staff report to planning commission or local governing body.

3. Other relevant information related to the amendment including:

- Whether or not the proposed amendment has impacts on regional systems including transportation, wastewater, and regional parks.
- How stormwater generated from the site will be managed.
- Whether there are changes to the projected water use due to the amendment.
- Whether the amendment is associated with an Orderly Annexation Agreement, an annexation by ordinance, or a boundary adjustment.
- Whether any parcels within the amendment site are currently enrolled in the Agricultural Preserves program.

4. Comments from affected and adjacent jurisdictions review.

5. Copy of adopted and signed local resolution, authorizing the amendment to be submitted for review.

Please reference the [CPA Submittal Guide](#) for additional information on content requirements.

December 2023



Questions Regarding Rural Residential Development in Post-2050 Area

DATE: November 21, 2023
TO: Jon Sevald, Dayton Community Development Director
SUBJECT: Question Regarding Rural Residential Development

Question from the City

Thank you for your coordination. You had noted that the City has been discussing rural residential subdivision/s in the area outside of the 2040 MUSA/"Post 2050" staging. Discussion has included a smaller area (~40 acres) in the short-term in the northern part of the city but has also included larger area (more likely part of 2050 Plan process). The City wanted to see:

- if this area or parts of this area can include rural residential subdivisions without sewer/water, while complying with Council policies, including density policies;
- if there are approaches like cluster development, ghost platting, or transfer of development rights that could be used to stay consistent with Council policy; and
- what the barriers are (barrier consideration in **bold** below)

The below discusses those questions in context of regional and system policy considerations.

City of Dayton 2040 Plan

The City of Dayton's 2040 Comprehensive Plan (2040 Plan) includes future land uses and staging for 2040 planning period, as well as for post-2040/ultimate build-out (Figures 1 and 2). The City anticipates developing from three corners with the northeast and south areas developing first.

As shown in the City's 2040 Plan, most of the post-2040 area in the north is planned for sewer low-density residential. There are several *existing*/historic neighborhoods that developed as larger estate lots on private septic, which are guided Rural Estate in the Plan.

- **Potential rural subdivision/s are not consistent with City's 2040 Plan/Future Land Uses**

The comprehensive plan does not have a future land use category that supports new rural residential development. If one were proposed, a comprehensive plan amendment would be required and Metropolitan Council staff would review the amendment to determine if the amendment would have any potential regional system or policy impacts. The amendment would be reviewed to determine if the proposed change is consistent with [Thrive MSP 2040](#) and associated regional system and policy plans, including the [2040 Water Resources Policy Plan](#).

Thrive MSP 2040 – Emerging Suburban Edge Community Designation

The City's 2040 Plan is currently consistent with *Thrive MSP 2040* (Thrive) and its land use policies. The entire City of Dayton is located within the Emerging Suburban Edge community designation (Figure 3). Thrive describes Emerging Suburban Edge communities as areas in the early stages of transitioning into urbanized levels of development. Communities within this designation are expected to plan and stage development for forecasted growth through 2040 and beyond at overall average net densities of at least 3-5 units per acre. Emerging Suburban Edge communities are also required to ensure the efficient use of land when planning for and approving new developments and redevelopment projects.

- **Potential rural residential subdivision/s are not consistent with *Thrive MSP 2040***

The Metropolitan Council (Council) sets the framework for land use patterns and guides the overall development of the region, as directed by the Metropolitan Land Planning Act (Minn. Stat. 473.145). The Council establishes overall density expectations for communities based on their *Thrive MSP 2040* community designation. At a regional level, this includes ensuring orderly and efficient land use, which aligns land use, development patterns, and infrastructure to make the best use of public and private investment. This is important as the region can provide cost-effective infrastructure and services when it is able to anticipate where, when, and to what extent growth will occur. Because housing and residential land use patterns last for generations, it is critical that residential development advances the policy of orderly and efficient land use.

As indicated, the Community Designation for the City Emerging Suburban Edge, a change to the City's community designation would be needed. With a request for community designation change for the proposed area, potential impact to orderly and efficient land use and consistency with *Thrive MSP 2040* would be evaluated as part of the comprehensive plan amendment.

Wastewater Services and Long-Term Sewer Service Area

The City's 2040 Plan currently conforms to the *2040 Water Resources Policy Plan*. The Metropolitan Disposal System with its scheduled improvements has or will have adequate capacity to serve the City's growth forecasts assigned within the Regional Wastewater System service area.

The entire City of Dayton is within the Metropolitan Council's Long-Term Sewer Service Area (Figure 4). Areas identified as potential are planned for regional wastewater service with final treatment location being finalized. Based on the City's adopted 2040 Plan, the Council has planned for regional wastewater services for the entire City and has made investments in regional wastewater infrastructure. The City's approved 2040 Plan has been used by wastewater staff for decisions regarding the Crow River Wastewater Treatment Plant and future conveyance investments.

- **Potential rural residential subdivision/s would be evaluated to determine if the proposed changes would have potential impact to regional system plans, including wastewater.**

When an amendment is submitted, the Council reviews to determine if it conforms with regional systems plans (including transportation, regional parks/trails, and water resources) and is consistent with Council policies.

Comprehensive plan amendments are evaluated to see if there are potential impacts on the Council's regional systems, including the regional wastewater system. Local comprehensive plans and amendments that have substantial impacts on — or contain substantial departures from — the metropolitan wastewater system plan affect how the Council constructs, operates, and maintains the regional wastewater system and can result in system inefficiencies if nonconforming plans are allowed to be implemented.

Substantial departures, for example, may result in underutilization of the regional wastewater system. Under-utilization occurs when low-density development uses less than currently available or planned regional capacity. Under-utilization is likely to require additional infrastructure elsewhere in the region to accommodate household growth that would be reasonably expected in the local governmental unit.

As permitted by Minnesota Statutes section 473.175, subdivision 1, the Council may require a local governmental unit to modify their comprehensive plan or part thereof that does not conform with the metropolitan system plan, if the Council concludes that the local plan is more likely than not to contain a substantial departure from the Council's adopted policy plans and capital budgets for metropolitan wastewater service. A substantial departure occurs, for example, when a local governmental unit proposes forecasts for sewered development

densities that are lower than Council density standards that are the basis for regional infrastructure planning purposes; or when a local government unit proposes densities that exceed Council policy for unsewered areas that are within the long-term regional wastewater service area and would prevent future economical sewer development.

Any proposed rural residential development within the long-term regional sewer service would need to be consistent with Council policies and regional wastewater system plans. Rural Residential development at 4 units per 40 acres would not preclude future regional sewer service.

Flexible Development Guidelines

The Council has [Flexible Development Guidelines](#), which are one way to have rural residential development that does not preclude future regional wastewater service. However, these guidelines are for communities with the *Thrive MSP 2040* **Diversified Rural** community designation. The Flexible Development Guidelines include factors communities should consider if they are considering allowing residential development at densities greater than 4 units per 40 acres.

The purpose of the guidelines, and associated ordinances and tools, is to preserve land for post-2040 growth and to accommodate the future extension of regional urban services. Ordinances that follow the flexible development guidelines can provide for interim rural residential land uses without precluding the opportunity for future development at densities of at least 3 units per net developable acre to ensure future, cost-effective, and efficient regional wastewater treatment services.

Flexible development ordinances need to:

1. Include the need to reserve land resources for efficient future urban development as part of the ordinance purpose.
2. Identify the land characteristics required to support future urbanization.
3. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
4. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
5. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Council policy at such time that urban services are available.
6. Encourage community wastewater treatment systems to serve the temporary cluster.

For implementation, a community would need mechanisms to allow for the future development of the land at urban development densities of at least 3 units per net developable acre. Tools can include adopting a cluster ordinance to preserve open space and allow future urbanization, requiring Build-Out Plans (Ghost Platting) to demonstrate future subdivision for the delivery of urban services, employing platting techniques along with deed restrictions, easements, and covenants to protect open space for future development.

If the Flexible Development Guidelines are implemented, the Metropolitan Council would need to review the ordinance to ensure compliance with the City's comprehensive plan and future expansion of regional wastewater services. The Guidelines currently have not been widely used.

If the Guidelines and associated ordinance(s) were put in place, mechanisms to ensure they are followed in the long-term would also need to be in place. If the flexible development guidelines were not followed in future years (for example, there was a change from developable land being reserved for future urbanization to permanent open space), then it is possible that the Council could find that the City has created a regional system departure causing undue regional investments, if investments were made based on the understanding that area was being reserved for future regional sewer.

Figure 1 – City of Dayton 2040 Comprehensive Plan – Future Land Use

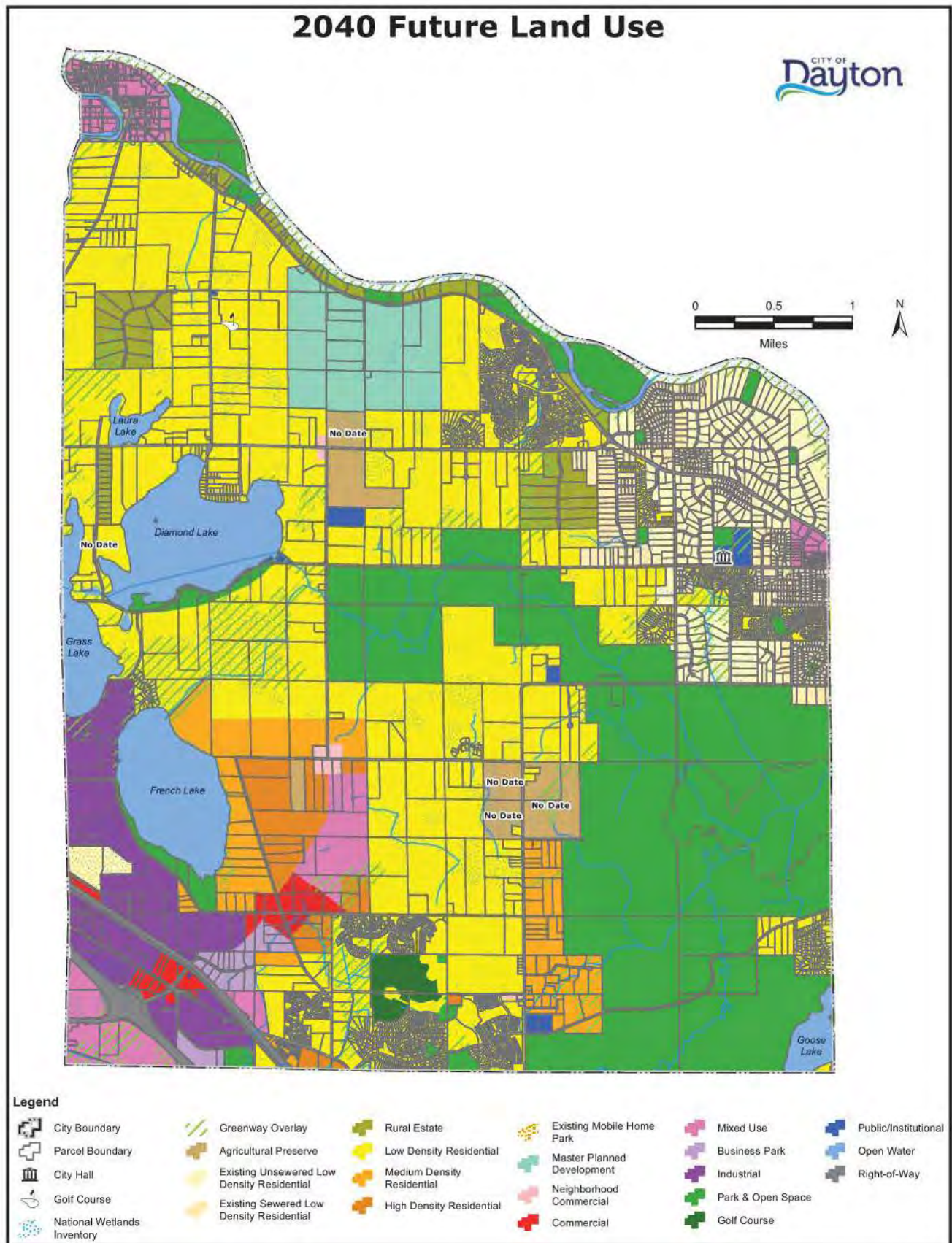


Figure 2 – City of Dayton 2040 Comprehensive Plan – Staging Plan

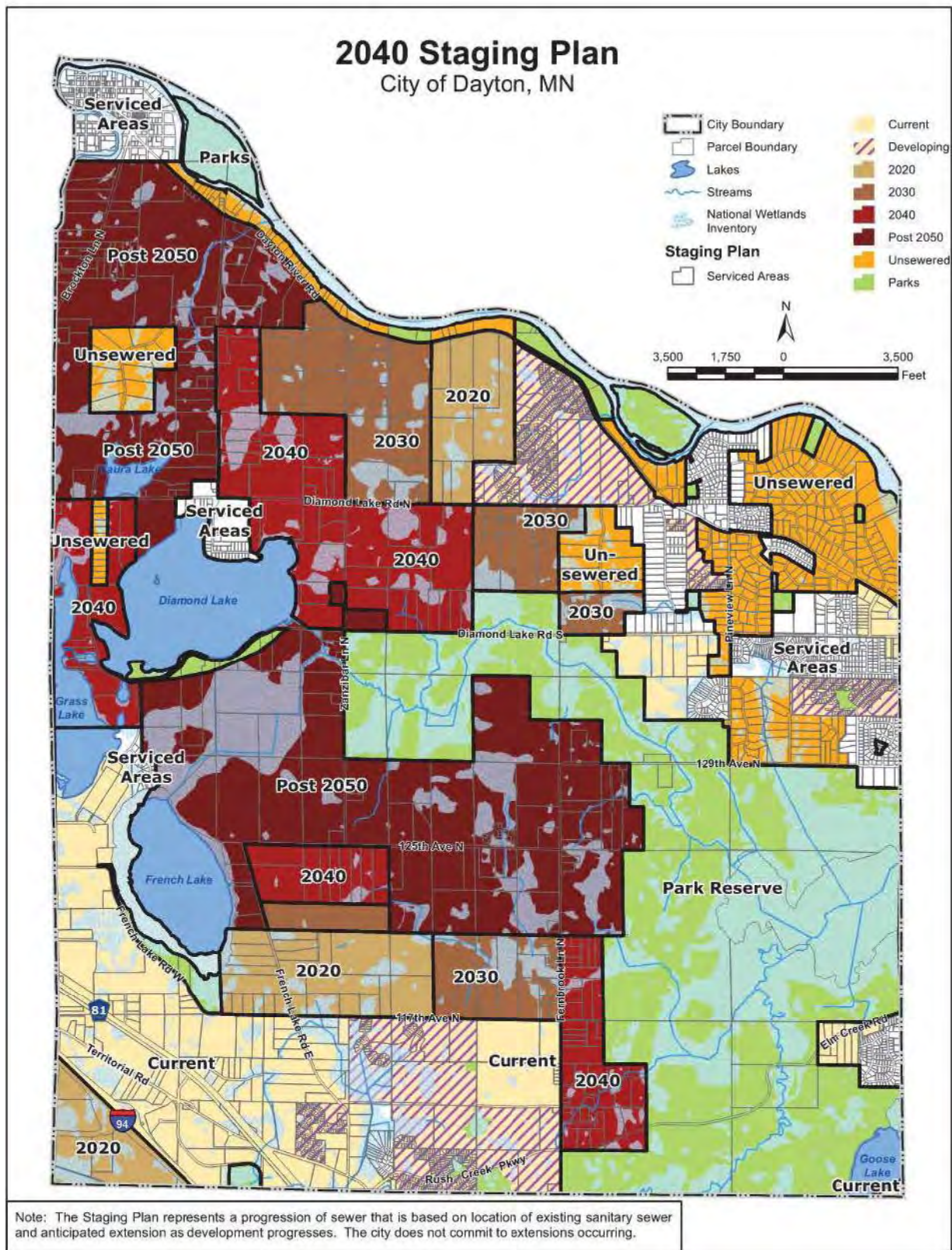


Figure 3 – Thrive MSP 2040 Community Designation – Emerging Suburban Edge

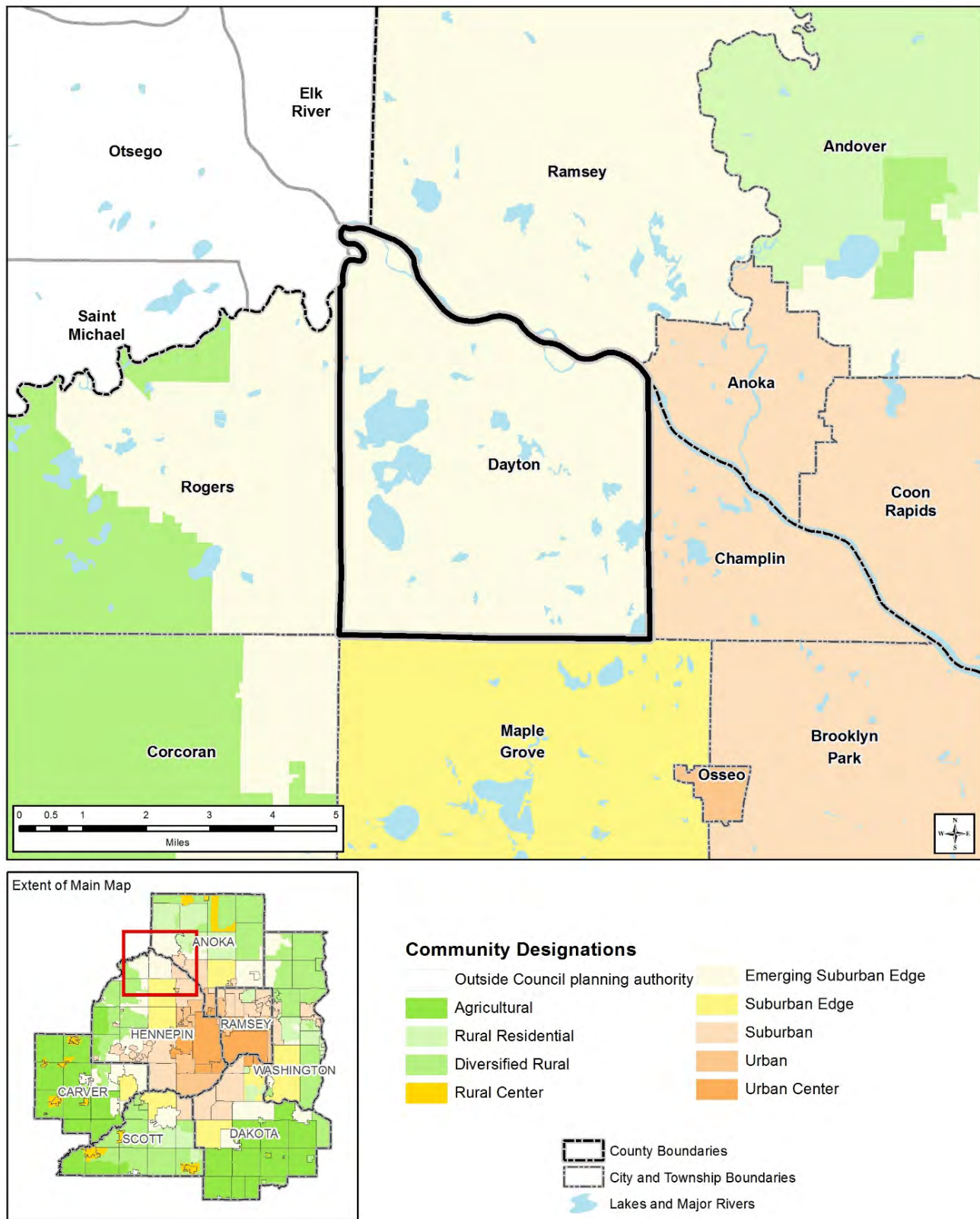
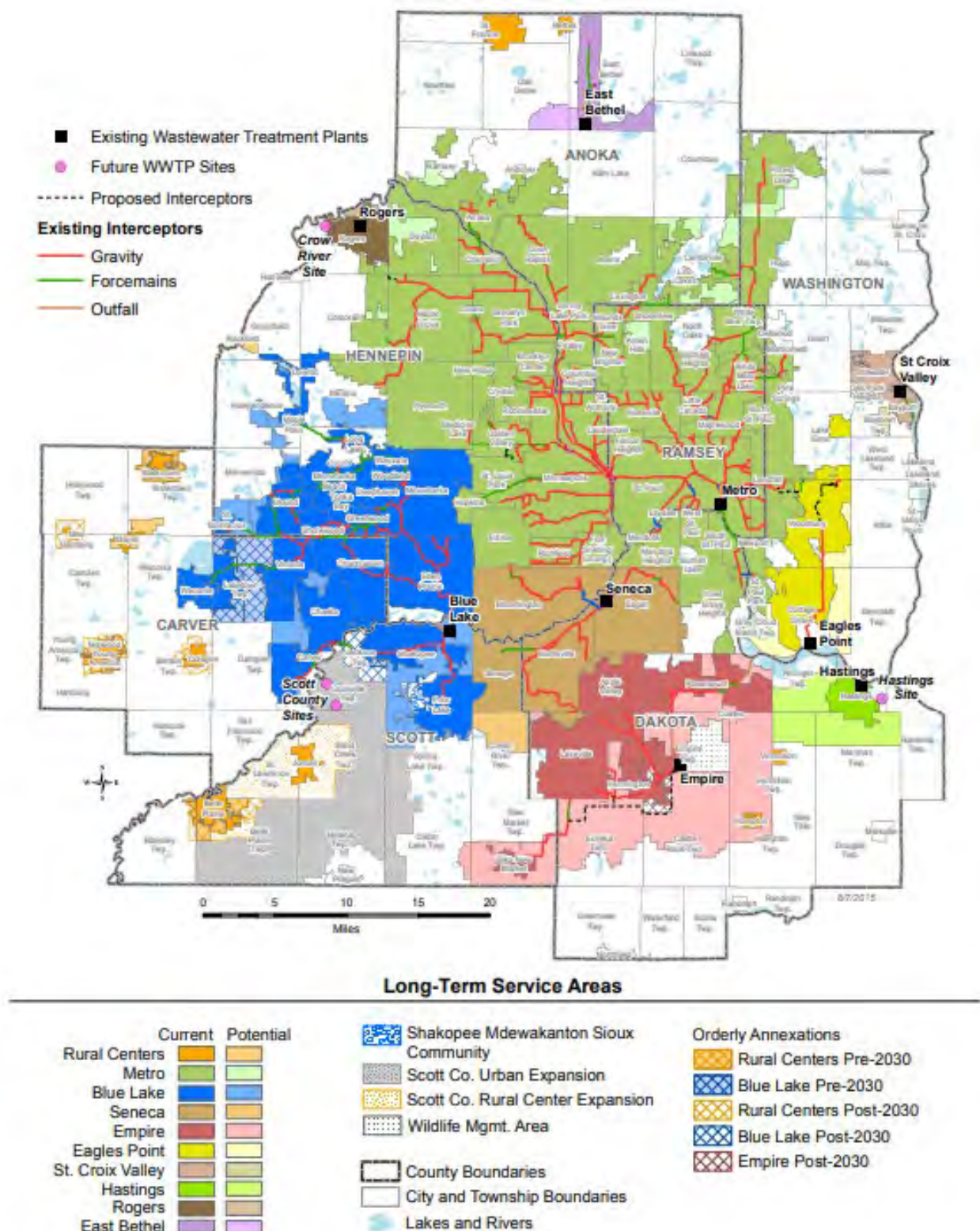


Figure 4– 2040 Water Resources Policy Plan – Long-Term Service Areas of the Regional Wastewater System



2015 SYSTEM STATEMENT

System Statement Issue Date:

2015 SYSTEM STATEMENT FOR CITY OF DAYTON

September 17, 2015

Regional Development Plan Adoption

In May 2014, the Metropolitan Council adopted *Thrive MSP 2040*. Following adoption of *Thrive*, the Council adopted the *2040 Transportation Policy Plan*, the *2040 Regional Parks Policy Plan*, the *2040 Water Resources Policy Plan*, and the *2040 Housing Policy Plan*. The Metropolitan Council is now issuing system statements pursuant to [State statute](#).

Receipt of this system statement and the metropolitan system plans triggers a community's obligation to review and, as necessary, amend its comprehensive plan within the next three years, by the end of 2018. The complete text of *Thrive MSP 2040* as well as complete copies of the recently adopted metropolitan system and policy plans are available for viewing and downloading at <http://www.metrocouncil.org/Communities/Planning.aspx>. Paper copies are available by calling the Council's Data Center at 651-602-1140.

System Statement Definition

Metropolitan system plans are long-range comprehensive plans for the regional systems – transit, highways, and airports; wastewater services; and parks and open space – along with the capital budgets for metropolitan wastewater services, transportation, and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within three years after receiving a system statement issued in conjunction with the decennial review required under section [473.864, subdivision 2](#), each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review.

Local comprehensive plans, and amendments thereto, will be reviewed by the Council for conformance to metropolitan system plans, consistency with Council policies, and compatibility with adjacent and affected governmental units. Updated local comprehensive plans are due to the Council for review by December 31, 2018.

What is in this System Statement

The system statement includes information specific to your community, including:

- your community designation or designation(s);
- forecasted population, households, and employment through the year 2040;
- guidance on appropriate densities to ensure that regional services and costly regional infrastructure can be provided as efficiently as possible.
- affordable housing need allocation;

In the following sections, this system statement contains an overview of each of the system plan updates and specific system changes that affect your community. The sections are:

- Transportation, including metropolitan highways, aviation, and transit
- Water Resources, including wastewater, surface water, and water supply planning
- Regional parks and trails

Dispute Process

If your community disagrees with elements of this system statement, or has any questions about this system statement, please contact your Sector Representative, Freya Thamman, at 651-602-1750, to review and discuss potential issues or concerns.

The Council and local government units and districts have usually resolved issues relating to the system statement through discussion.

Request for Hearing

If a local governmental unit and the Council are unable to resolve disagreements over the content of a system statement, the unit or district may, by resolution, request that a hearing be conducted by the Council's Land Use Advisory Committee or by the State Office of Administrative Hearings for the purpose of considering amendments to the system statement. According to Minnesota Statutes section 473.857, the request shall be made by the local governmental unit or school district within 60 days after receipt of the system statement. If no request for a hearing is received by the Council within 60 days, the statement becomes final.

Regional Development Guide

The Council adopted [Thrive MSP 2040](#) as the new regional development guide on May 28, 2014. *Thrive* identifies five outcomes that set the policy direction for the region's system and policy plans. Building on our region's history of effective **stewardship** of our resources, *Thrive* envisions a **prosperous, equitable, and livable** region that is **sustainable** for today and generations to come. The Council is directing its operations, plans, policies, programs, and resources toward achieving this shared long-term vision.



Three principles define the Council's approach to implementing regional policy: **integration, collaboration, and accountability**. These principles reflect the Council's roles in integrating policy areas, supporting local governments and regional partners, and promoting and implementing the regional vision. The principles define the Council's approach to policy implementation and set expectations for how the Council interacts with local governments.

Thrive also outlines seven land use policies and community designations important for local comprehensive planning updates. The land use policies establish a series of commitments from the Council for local governments and uses community designations to shape development policies for communities. Community designations group jurisdictions with similar characteristics based on Urban or Rural character for the application of regional policies. Together, the land use policies and community designations help to implement the region's vision by setting expectations for development density and the character of development throughout the region.

Community Designation

Community designations group jurisdictions with similar characteristics for the application of regional policies. The Council uses community designations to guide regional growth and development; establish land use expectations including overall development densities and patterns; and outline the respective roles of the Council and individual communities, along with strategies for planning for forecasted growth. If there are discrepancies between the *Thrive MSP 2040* Community Designations Map and the Community Designation map contained herein because of adjustments and refinements that occurred subsequent to the adoption of *Thrive*, communities should follow the specific guidance contained in this System Statement.

Thrive identifies Dayton with the community designation of Emerging Suburban Edge (Figure 1). Emerging Suburban Edge communities include cities, townships and portions of both that are in the early stages of transitioning into urbanized levels of development. Emerging Suburban Edge communities are expected to plan for forecasted population and household growth at average densities of at least 3-5 units per acre for new development and redevelopment. In addition, Emerging Suburban Edge communities are expected to target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the *2040 Transportation Policy Plan*.

Specific strategies for Emerging Suburban Edge communities can be found on Dayton's [Community Page](#) in the [Local Planning Handbook](#).

Forecasts

The Council uses the forecasts developed as part of *Thrive* to plan for regional systems. Communities should base their planning work on these forecasts. Given the nature of long-range forecasts and the planning timeline undertaken by most communities, the Council will maintain on-going dialogue with

communities to consider any changes in growth trends or community expectations about growth that may have an impact on regional systems.

The *Thrive* forecasts for population, households, and employment for your community are:

	2010 (actual)	2014 (est.)	2020	2030	2040
Population	4,617	4,957	5,900	7,900	10,400
Households	1,619	1,709	2,200	3,200	4,400
Employment	921	1,008	2,000	2,490	3,000

Housing Policy

The Council adopted the [Housing Policy Plan](#) on December 10, 2014, and amended the plan on July 8, 2015. The purpose of the plan is to provide leadership and guidance on regional housing needs and challenges and to support *Thrive MSP 2040*. The *Housing Policy Plan* provides an integrated policy framework to address housing challenges greater than any one city or county can tackle alone.

Consistent with state statute (Minn. Stat. 473.859, subd. 2(c) and subd. 4), communities must include a housing element and implementation program in their local comprehensive plans that address existing and projected housing needs.

The Council has also determined the regional need for low and moderate income housing for the decade of 2021-2030 (see Part III and Appendix B in the Housing Policy Plan).

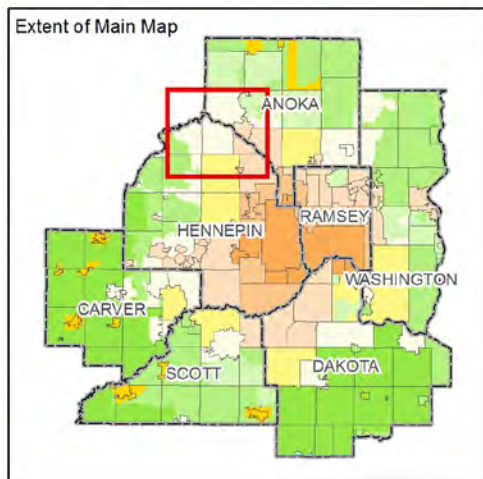
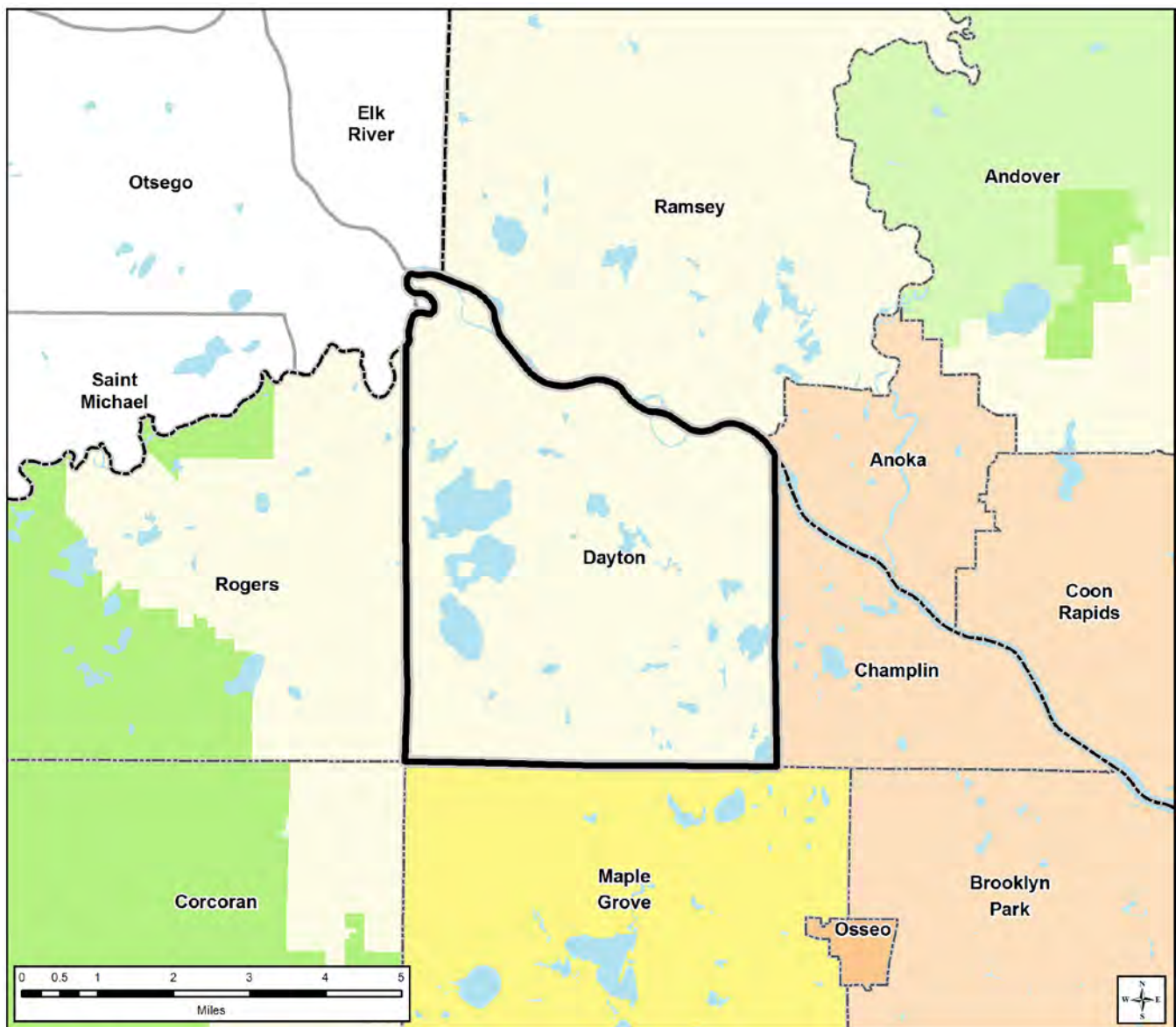
Dayton's share of the region's need for low and moderate income housing is 333 new units affordable to households earning 80% of area median income (AMI) or below. Of these new units, the need is for 112 affordable to households earning at or below 30% of AMI, 103 affordable to households earning 31% to 50% of AMI, and 118 affordable to households earning 51% to 80% of AMI.

Affordable Housing Need Allocation for Dayton

At or below 30% AMI	112
31 to 50% AMI	103
51 to 80% AMI	118
Total Units	333

Specific requirements for the housing element and housing implementation programs of local comprehensive plans can be found in the [Local Planning Handbook](#).

Figure 1. Dayton Community Designation



Community Designations

Outside Council planning authority	Emerging Suburban Edge
Agricultural	Suburban Edge
Rural Residential	Suburban
Diversified Rural	Urban
Rural Center	Urban Center

- County Boundaries
- City and Township Boundaries
- Lakes and Major Rivers

TRANSPORTATION SYSTEM STATEMENT

City of Dayton

The *2040 Transportation Policy Plan (TPP)* is the metropolitan system plan for highways, transit, and aviation to which local comprehensive plans must conform. This system statement summarizes significant changes to these three systems, as well as other changes made to the *Transportation Policy Plan* since the last *2030 TPP* was adopted in 2010, and highlights those elements of the system plan that apply specifically to your community. The *TPP* incorporates the policy direction and the new 2040 socio economic forecasts adopted by the Metropolitan Council in the *Thrive MSP 2040*, and extends the planning horizon from 2030 to 2040.

Federal Requirements

The *TPP* must respond to requirements outlined in state statute, as well as federal law, such as some new requirements included in the federal law known as the Moving Ahead for Progress in the 21st Century Act (MAP-21). For instance, metropolitan transportation plans must now be performance based, so the *TPP* now includes goals, objectives, and strategies outlined in chapter 2. In previous versions of the *TPP* the strategies were known as policies; while some are new, the wording of many strategies are similar to the wording of policies in previous plans. Performance measurements for this plan are also discussed in Chapter 12, Federal Requirements.

Federal law requires the long range plan to identify regionally significant transportation investments expected to be made over the next two decades, and to demonstrate that these planned investments can be afforded under the plan's financial assumptions. Both costs and available revenues have changed since the last plan was adopted in 2010, resulting in many changes in the plan. Federal law does allow the plan to provide a vision for how an increased level of transportation revenue might be spent if more resources become available, but the programs or projects identified in this scenario are not considered part of the approved plan.

The *TPP* includes two funding scenarios for the metropolitan highway and transit systems: the "Current Revenue Scenario" and the "Increased Revenue Scenario."

- The **Current Revenue Scenario** represents the fiscally constrained regional transportation plan, which assumes revenues that the region can reasonably expect to be available based on past experience and current laws and allocation formulas.
- The **Increased Revenue Scenario** represents an illustration of what be achieved with a reasonable increase in revenues for transportation.

Under the Metropolitan Land Planning Act, local comprehensive plans are expected to conform to the Current Revenue Scenario, which is the official metropolitan system plan. Potential improvements in the Increased Revenue Scenario can be identified separately in local plans as unfunded proposals. A more detailed description of how to handle the various improvements in this category is included under Other Plan Considerations.

In addition to reviewing this system statement, your community should consult the entire *2040 Transportation Policy Plan* to ensure that your community's local comprehensive plan and plan amendments conform to the metropolitan transportation system plan. Chapter 3, Land Use and Local Planning, has been expanded and all communities should carefully review this chapter. A PDF file of

the entire *2040 Transportation Policy Plan* can be found at the Metropolitan Council's website: [http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\).aspx](http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1).aspx). The format of the plan is slightly different than past *Transportation Policy Plans*. An introductory Overview, Chapter 1: Existing System and Chapter 10: Equity and Environmental Justice have been added to this version of the *TPP*, in addition to the changes noted in the first paragraph. Please note some modifications have been made to the appendices as well.

Key Changes in the 2040 Transportation Policy Plan

Adopted by the Metropolitan Council in January 2015, the revised *2040 Transportation Policy Plan* incorporates the following changes:

Metropolitan Highway System - Chapter 5

The Metropolitan Highway System is made up of principal arterials, shown in Fig 1-1 of the *TPP* and also attached to this system statement. Although no new highways have been added to this system in the *2040 TPP*, the last incomplete segment of this system, TH 610, is now under construction in Maple Grove.

- The *TPP* acknowledges that congestion cannot be eliminated or greatly reduced. The region's mobility efforts will need to focus on managing congestion and working to provide alternatives. The majority of resources available between now and 2040 will be needed for preservation, management and operation of the existing highway system.
- Due to increased costs and decreased revenue expectations, many long-planned major projects to add general purpose highway lanes are not in this fiscally constrained plan. While the preservation, safety, and mobility needs of these corridors are recognized, investments in these corridors will be focused on implementing traffic management strategies, lower cost-high benefit spot mobility improvements, and implementing MnPASS lanes. Some specific projects have been identified in this plan, but funding has primarily been allocated into various investment categories rather than specific projects. The highway projects specifically identified in the Current Revenue Scenario are shown in Figure 5-8 of the *TPP* which is also attached to this system statement.
- Modifications were made to *Appendix D - Functional Classification Criteria*, and *Appendix F – Highway Interchange Requests*. *Appendix C – Project List* is new and contains all of the transit and highway projects that have been identified between 2014 and 2023.

Transit System - Chapter 6

The transit system plan provides an overview of the basic components of transit planning, including demographic factors, transit route and network design factors and urban design factors that support transit usage. Local governments have the primary responsibility for planning transit-supportive land use, through their comprehensive planning, and subdivision and zoning ordinances.

- The *TPP* includes updated Transit Market Areas (shown in *TPP* Figure 6-3, also attached) which reflect 2010 Census information and an updated methodology that better aligns types and levels of transit service to expected demand. These market areas identify the types of transit services that are provided within each area.
- The *TPP* includes limited capital funding for transit expansion and modernization. Opportunities primarily exist through competitive grant programs such as the regional solicitation for US DOT

funding. These opportunities are guided by the strategies in the *TPP* and the various elements of the Transit Investment Plan.

- The *TPP* includes an updated transitway system plan that more clearly articulates which projects can be funded within reasonable revenue expectations through year 2040 (Current Revenue Scenario as shown in *TPP* Figure 6-8, which is also attached). The plan includes five new or expanded METRO lines, three new arterial bus rapid transit lines, and three corridors under study for mode and alignment but identified in the Counties Transit Improvement Board's (CTIB) Phase I Program of Projects. This system was developed in collaboration with CTIB, a major partner in regional transitway expansion.
- The *TPP* does not include operating funding for transit service expansion beyond the existing network of regular route bus, general public dial-a-ride, and Metro Vanpool.
- The Increased Revenue Scenario (shown *TPP* Figure 6-9, which is also attached) illustrates the level of expansion for the bus and support system and transitway system that might be reasonable if additional revenues were made available to accelerate construction of the transitway vision for the region.
- The plan includes updated requirements and considerations for land use planning around the region's transit system. This includes new residential density standards for areas near major regional transit investments and an increased emphasis on proactive land use planning in coordination with the planning of the transit system.

Aviation System - Chapter 9

The Metropolitan Aviation System is comprised of nine airports (shown in Figure 1-9 of the *TPP* and also attached to this system statement) and off-airport navigational aids. There are no new airports or navigational aids that have been added to the system in the *2040 TPP*.

- The *TPP* discusses the regional airport classification system as well as providing an overview of roles and responsibilities in aviation for our regional and national partners. The investment plan includes an overview of funding sources for projects, and an overview of projects proposed for the local airports that will maintain and enhance the regional airport system.
- Modifications were made to *Appendix I – Regional Airspace*, *Appendix J – Metropolitan Airports Commission Capital Investment Review Process*, *Appendix K – Airport Long Term Comprehensive Plans* and *Appendix L – Aviation Land Use Compatibility*.

Other Plan Changes

Regional Bicycle Transportation Network - Chapter 7

The *2040 TPP* encourages the use of bicycles as a mode of transportation. To that end, the *TPP* establishes for the first time a Regional Bicycle Transportation Network (RBTN). The goal of the RBTN is to establish an integrated seamless network of on-street bikeways and off-road trails that complement each other to most effectively improve conditions for bicycle transportation at the regional level. Cities, counties, and parks agencies are encouraged to plan for and implement future bikeways within and along these designated corridors and alignments to support the RBTN vision.

Freight - Chapter 8

Most aspects of freight movement are controlled by the private sector, so unlike other sections of the *TPP*, there is not a specific plan adopted for future public sector investment in freight facilities. However, the discussion of the need for a safe and efficient multimodal freight system has been updated and expanded in the *TPP* to recognize challenges and opportunities for freight movement as well as the future direction of freight by mode. It acknowledges the closure of the Minneapolis Upper Harbor in 2015, leaving St Paul and Shakopee as the region's major barge terminal areas in the future. The plan also acknowledges the increase of trains since 2010 carrying oil from North Dakota on BNSF and CP rail tracks, which is expected to continue into the future. Although railroad trackage in the region was significantly decreased over the last 20 years to "right size" the system after federal deregulation, communities should not expect much additional rail abandonment. Many tracks that appear to be seldom used are owned by the smaller Class III railroads that serve local businesses by providing direct rail connections from manufacturing and warehousing/distribution facilities to the major national railroads. The major Class I railroads are approaching capacity and actually adding tracks in some locations.

System Plan Considerations Affecting Your Community

Dayton should consult the complete *2040 Transportation Policy Plan* in preparing its local comprehensive plan. In addition, Dayton should consult *Thrive MSP 2040* and the current version of the Metropolitan Council's *Local Planning Handbook* for specific information needed in its comprehensive plan. Specific system plan considerations affecting Dayton are detailed below.

Metropolitan Highways

There is a principal arterial located within Dayton: I-94. The *TPP* does acknowledge the Brockton interchange on p. 5-36, but indicates it is not funded for construction unless there are increased highway revenues.

Transit System

Dayton includes the following Transit Market Areas:

Transit Market Area	Market Area Description and Typical Transit Services
Market Area IV	Transit Market Area IV has lower concentrations of population and employment and a higher rate of auto ownership. It is primarily composed of Suburban Edge and Emerging Suburban Edge communities. This market can support peak-period express bus services if a sufficient concentration of commuters likely to use transit service is located along a corridor. The low-density development and suburban form of development presents challenges to fixed-route transit. General public dial-a-ride services are appropriate in Market Area IV.
Market Area V	Transit Market Area V has very low population and employment densities and tends to be primarily Rural communities and Agricultural uses. General public dial-a-ride service may be appropriate here, but due to the very low-intensity land uses these areas are not well-suited for fixed-route transit service.

Transitways

Current Revenue Scenario Transitways

The *TPP*'s Transit Investment Plan does not show any transitway investments planned for Dayton in the Current Revenue Scenario (*TPP* Figure 6-8).

Increased Revenue Scenario Transitways

The *TPP* Increased Revenue Scenario shows additional transitway corridors beyond the scope of the plan's adopted and fiscally constrained Transit Investment Plan (the Current Revenue Scenario). These corridors are listed on page 6.63 of the *TPP*, and *TPP* Figure 6-9, which is attached, shows the complete transitway vision for the region.

If Dayton believes it might be directly impacted by transitways in the Increased Revenue Scenario (for example, because they are participating in transitway corridor studies or feasibility analyses), the transitways may be acknowledged in the Comprehensive Plan. These additional corridors are or will be under study for mode and alignment recommendations, but they are not included in fiscally constrained plan. However, they should be clearly identified as not funded within the currently expected resources for transitways. The Council recognizes the important planning work that goes into a corridor prior to it becoming part of the region's Transit Investment Plan, especially if increased revenues were to become available.

Similar to Current Revenue Scenario Transitways, communities should identify known potential stations along planned transitways and consider guiding land use policies, station area plans, and associated zoning, infrastructure, and implementation tools that support future growth around transit stations. These policies can also influence station siting in initial planning phases of transitway corridors and influence the competitiveness of a transitway for funding. Communities can find further guidance for station area planning in the Transportation section of the [Local Planning Handbook](#) and the *Transit Oriented Development Guide*.

Communities not in the Transit Capital Levy District

Dayton is not within the Transit Capital Levy District as shown in Fig 1-3 of the *TPP* (Existing Transit System with Transit Capital Levy District). Regardless of the Transit Market Area or transitway corridor planning, the only transit services provided in this type of community are Transit Link dial-a-ride service and various ridesharing services. A list of Transit Link service areas and communities can be found on the Council's website: <http://www.metrocouncil.org/Transportation/Services/Transit-Link/Transit-Link-Service-Areas.aspx?source=child>

If Dayton is interested in additional transit services and a need for transit services can be identified, Dayton would first have to agree to pay the regional transit capital levy, as defined in MN Stat. 473.446 and 473.4461.

Aviation

All communities must include an aviation element in the transportation sections of their comprehensive plans. The degree of aviation planning and development considerations that need to be included in the comprehensive plan varies by community. Even those communities not impacted directly by an airport have a responsibility to include airspace protection in their comprehensive plan. The protection element should include potential hazards to air navigation including electronic interference. Dayton is not in an influence area of a regional airport. Airspace protection should be included in local codes/ordinances to control height of structures.

Other Plan Considerations

Regional Bicycle Transportation Network

TPP Figure 7-1 shows the RBTN as established for the first time in the *2040 TPP*. The network consists of a series of prioritized Tier 1 and Tier 2 corridors and dedicated alignments (routes). The process used to develop the RBTN, as well as the general principles and analysis factors used in its development, can be found in the Bicycle and Pedestrian Chapter of the *TPP*.

The RBTN corridors and alignments make up the “trunk arterials” of the overall system of bikeways that connect to regional employment and activity centers. These are not intended to be the only bicycle facilities in the region, and local units should also consider planning for any additional bike facilities desired by their communities. RBTN corridors are shown where more specific alignments within those corridors have not yet been designated, so local governments are encouraged to use their comprehensive planning process to identify suitable alignments within the RBTN corridors for future incorporation into the *TPP*.

In addition, agencies should plan their local on and off-road bikeway networks to connect to the designated Tier 1 and Tier 2 alignments, as well as any new network alignments within RBTN corridors to be proposed in local comprehensive plans. Bikeway projects that complete segments of, or connect to, the RBTN are given priority for federal transportation funds through the Transportation Advisory Board’s biannual regional solicitation.

Figure 7-1 shows that your community currently has one or more RBTN corridors and alignments within its jurisdiction. The Council encourages local governments to incorporate the RBTN map within their local bicycle plan maps to show how the local and regional systems are planned to work together. An on-line interactive RBTN map, which allows communities to view the RBTN links in their community at a much more detailed scale than Figure 7-1, can be found in the Transportation section of the [*Local Planning Handbook*](#). The handbook also includes best practices, references, and guidance for all local bicycle planning.

A Minor System / Functional Classification

The *TPP* has always recognized the A minor arterial system as an important supplement to the regional highway system, and the Transportation Advisory Board (TAB) continues to maintain the official regional map of these roads. The *2040 TPP* does include an updated functional classification map (Fig. 1-2 in Chapter 1) and a modified *Appendix D - Functional Classification Criteria*. Communities should consult the Local Plan Handbook for more information on functional classification, how to reflect the A minor arterial system in their plan, and how to request functional classification changes if necessary.



Freight

The Council encourages all local governments to plan for freight movement in their communities. Trucks are the major mode of freight movement in the region and across the nation to distribute consumer goods as well as move manufactured goods and commodities, and they operate in every community.

Communities with special freight facilities shown on *TPP* Figure 8-1, Metropolitan Freight System, (attached) should also include those additional modes and facilities in their local plan, and plan for compatible adjacent land uses.

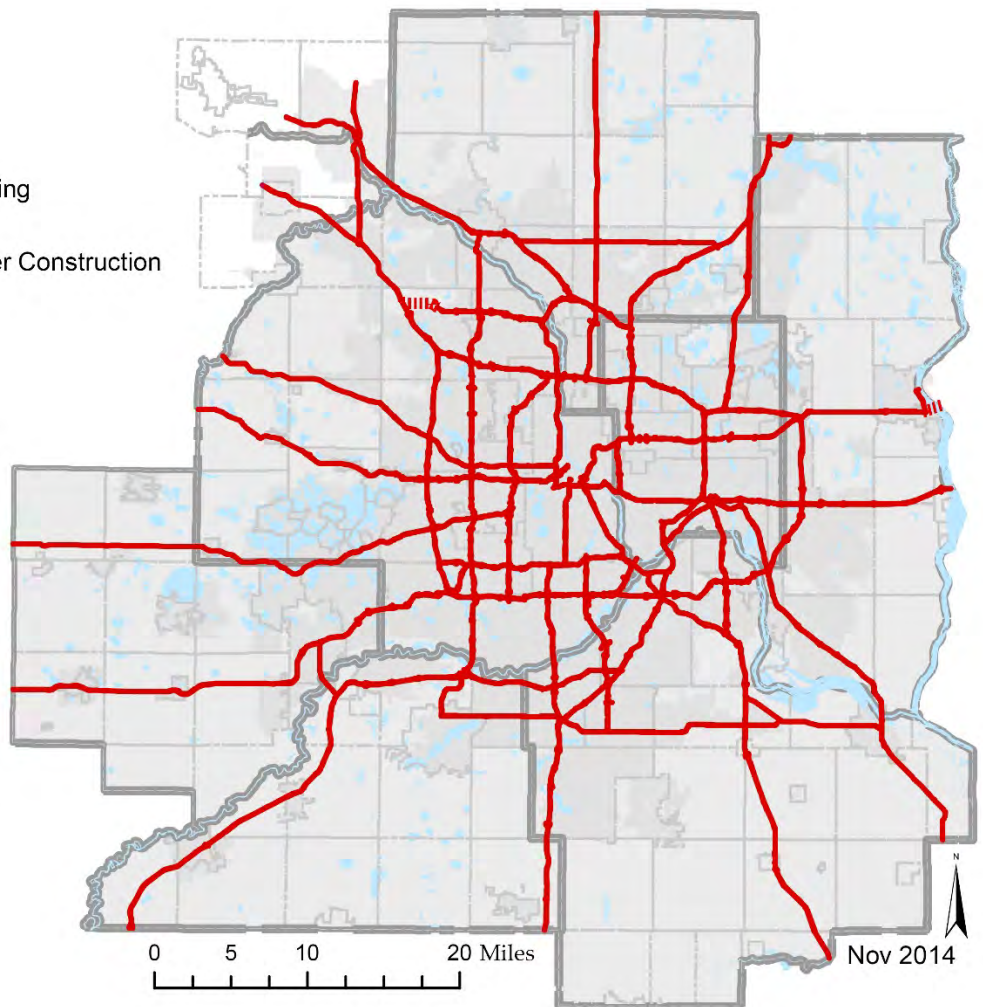
Figure 1-1 of the TPP

Principal Arterials

-  Principal Arterial - Existing
-  Principal Arterial - Under Construction

Reference Items

-  Lakes and Rivers
-  City Boundary
-  County Boundary
-  MUSA 2040 MPO Area



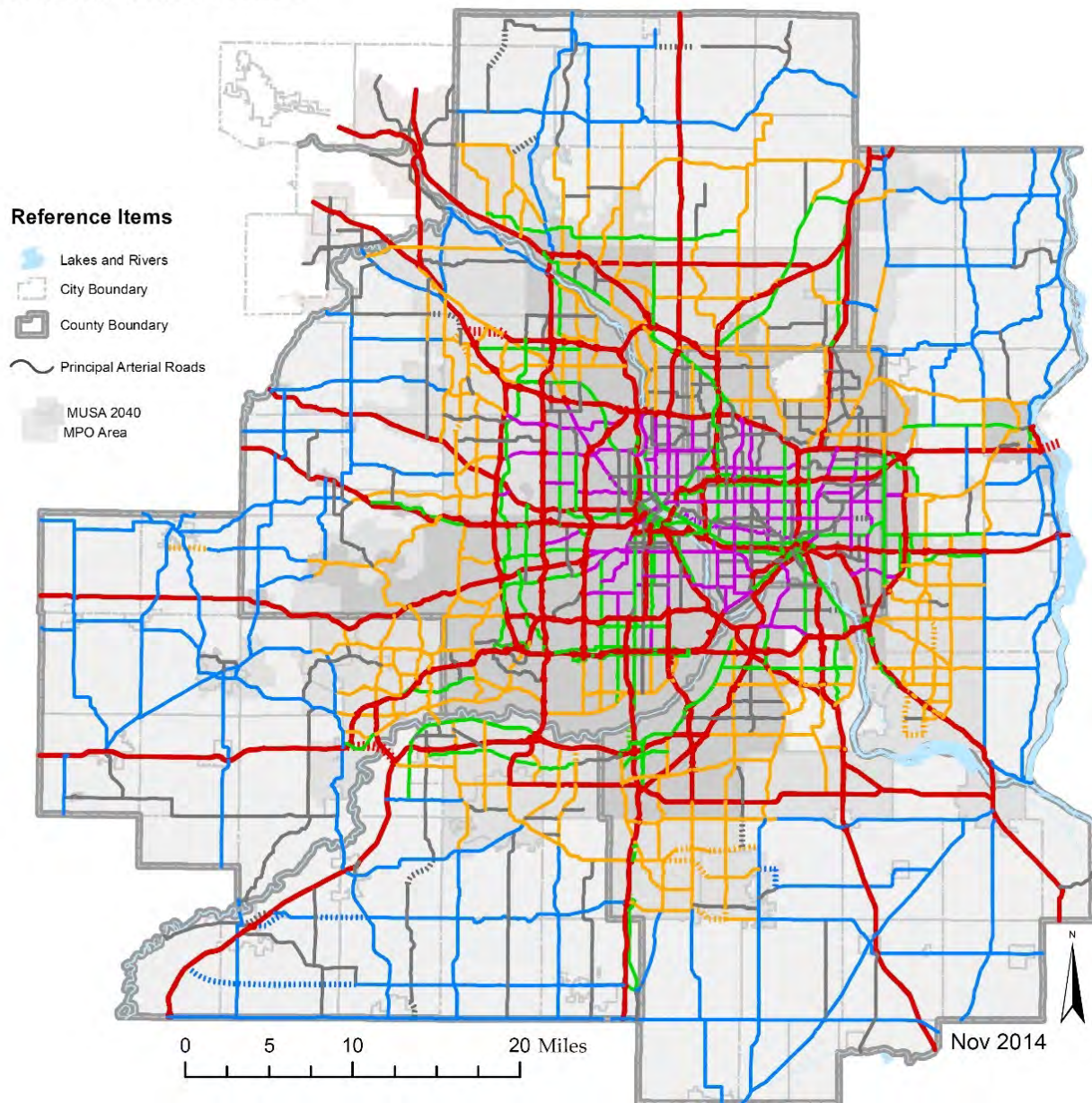
2040 TRANSPORTATION POLICY PLAN | METROPOLITAN COUNCIL

Figure 1-1



Figure 1-2 of the TPP

Functional Class Roads



Existing

- Principal Arterial
- A-Minor Augmentor
- A-Minor Reliever
- A-Minor Expander
- A-Minor Connector
- Other Minor Arterial

Planned

- Principal Arterial
- A-Minor Augmentor
- A-Minor Reliever
- A-Minor Expander
- A-Minor Connector
- Other Minor Arterial

Thrive Planning Areas

- Urban Core & Urban & Suburban
- Suburban Edge & Emerging Suburban Edge
- Rural Service Areas
- MPO Area outside the Seven County Area

Figure 5-8 of the TPP

Identified Projects* in Highway Current Revenue Scenario

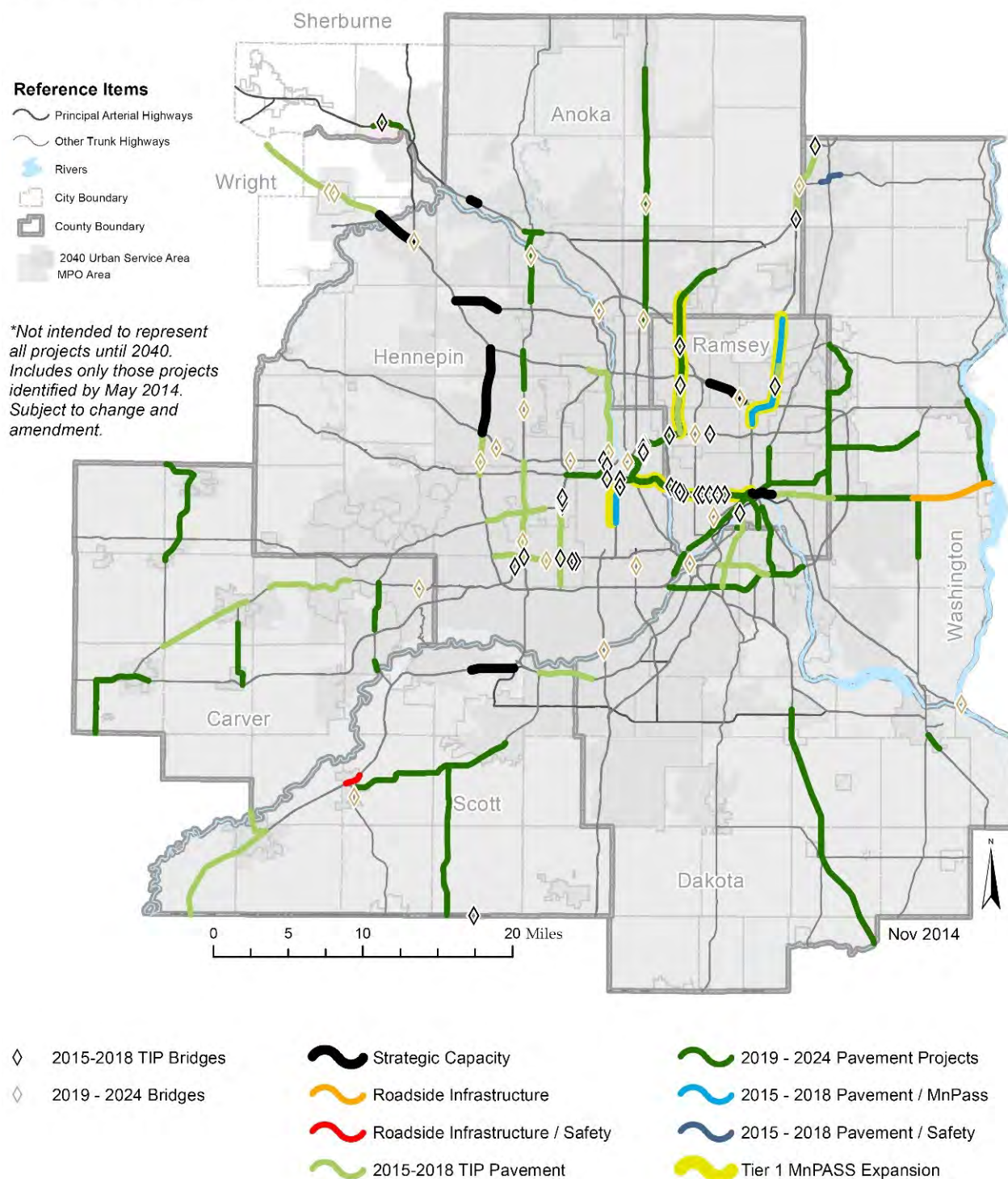
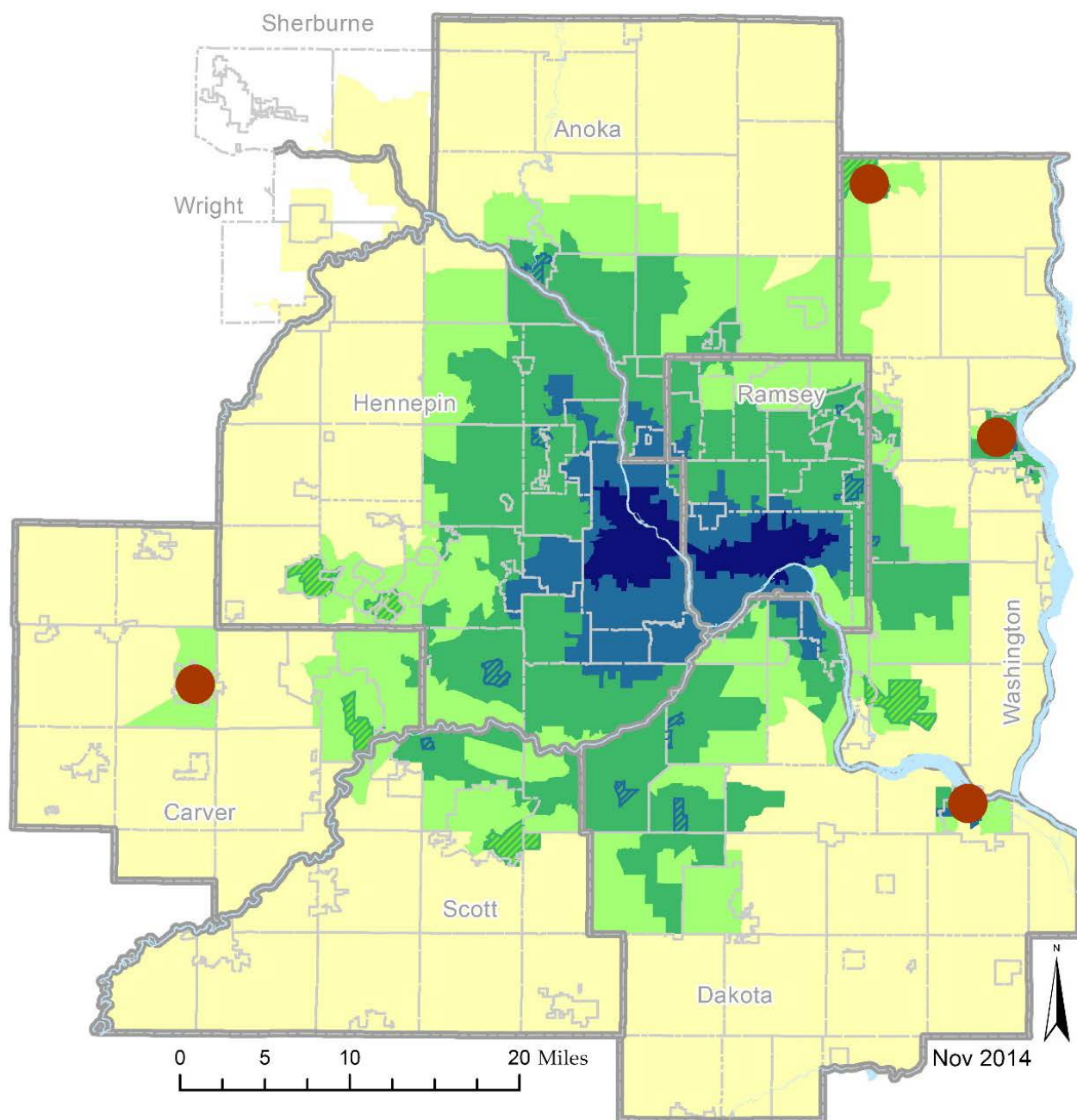


Figure 6-3 of the TPP

Transit Market Areas



- | | |
|---|--|
|  Market Area I |  Emerging Market Area III |
|  Market Area II |  Market Area IV |
|  Emerging Market Area II |  Market Area V |
|  Market Area III |  Freestanding Town Center |

Figure 6-8 of the TPP

Current Revenue Scenario Transitways and CTIB Phase I Program of Projects

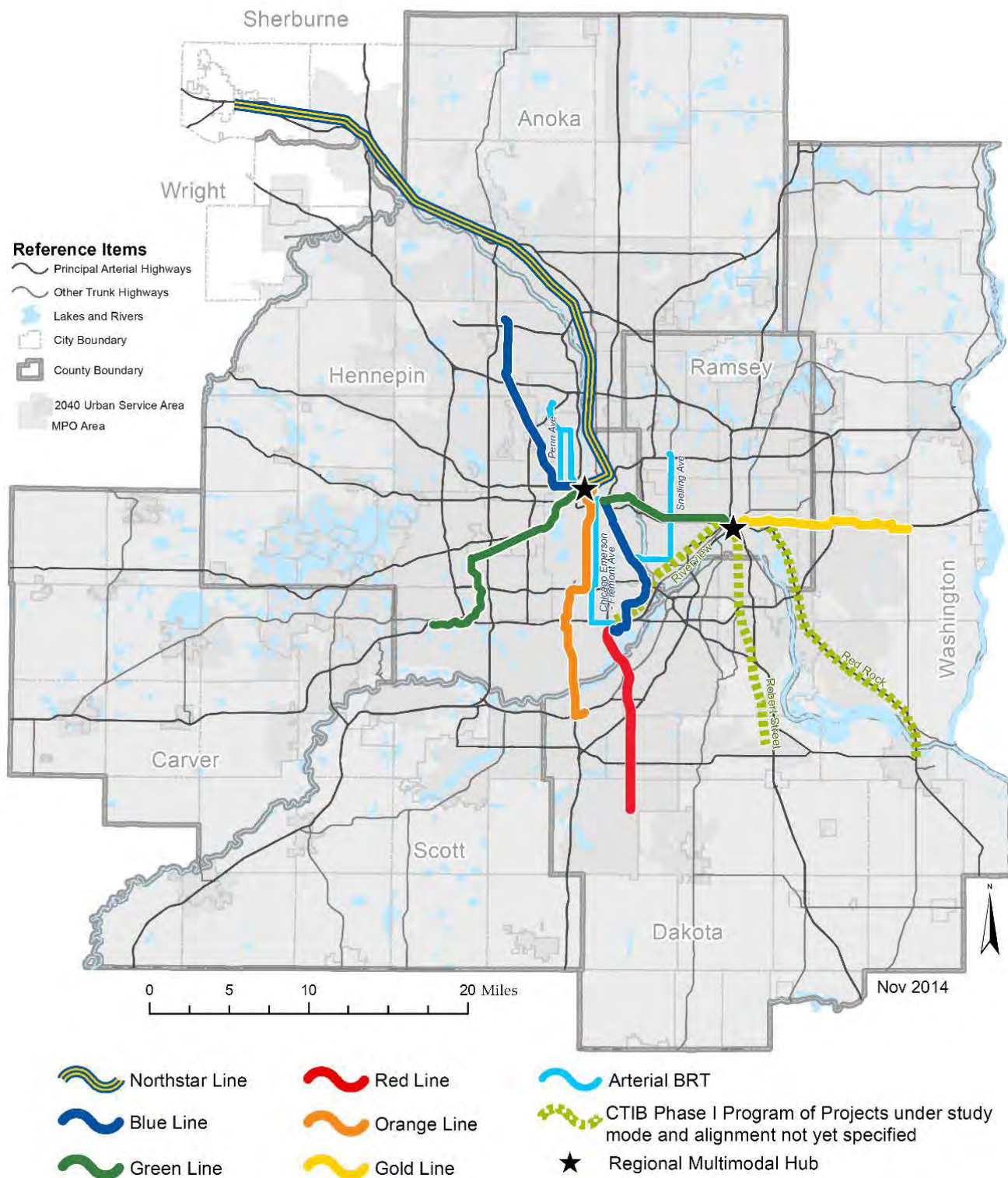


Figure 6-9 of the TPP

Increased Revenue Scenario Transitways Building an Accelerated Transitway Vision

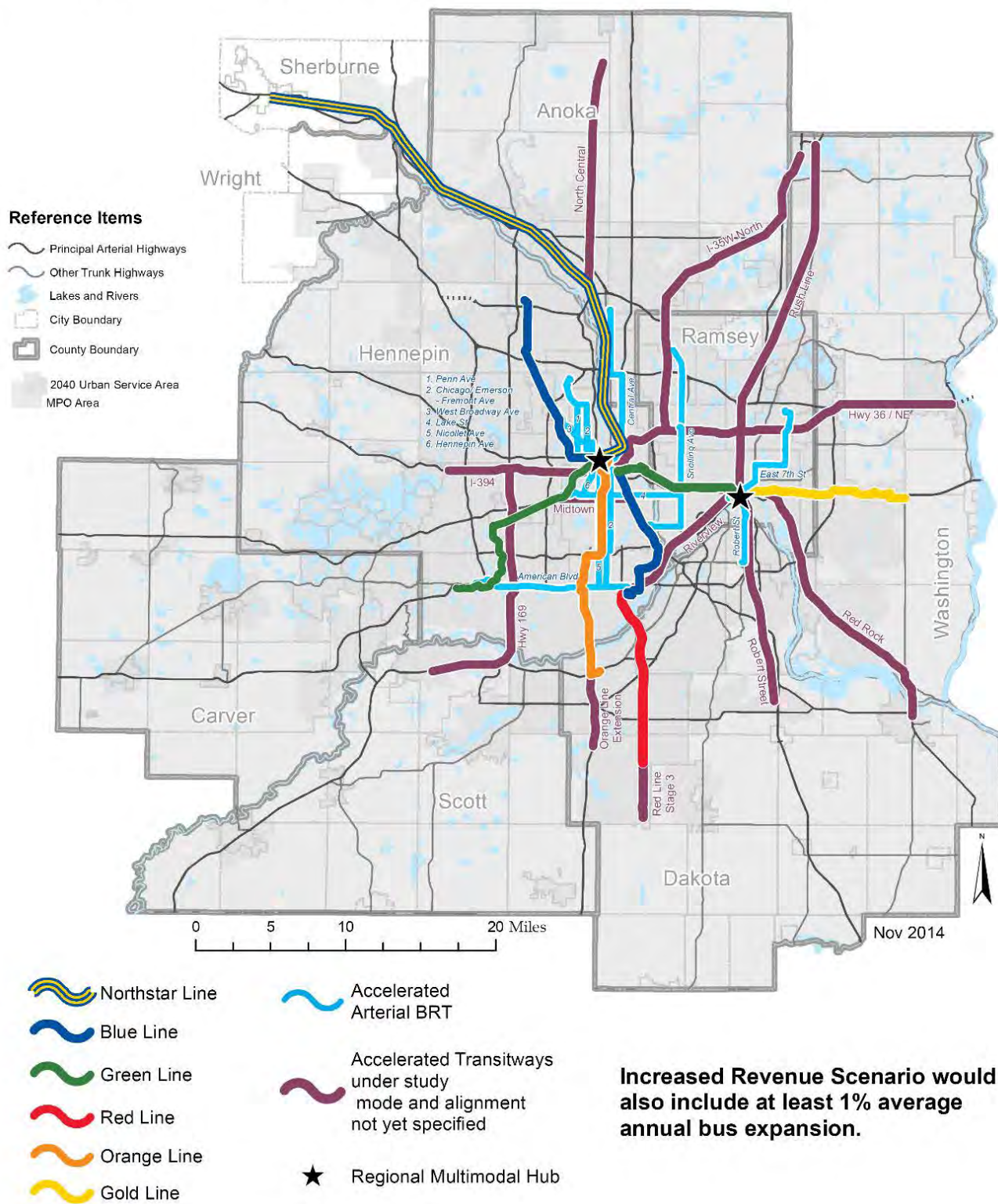


Figure 7-1 of the TPP

Regional Bicycle Transportation Network Vision

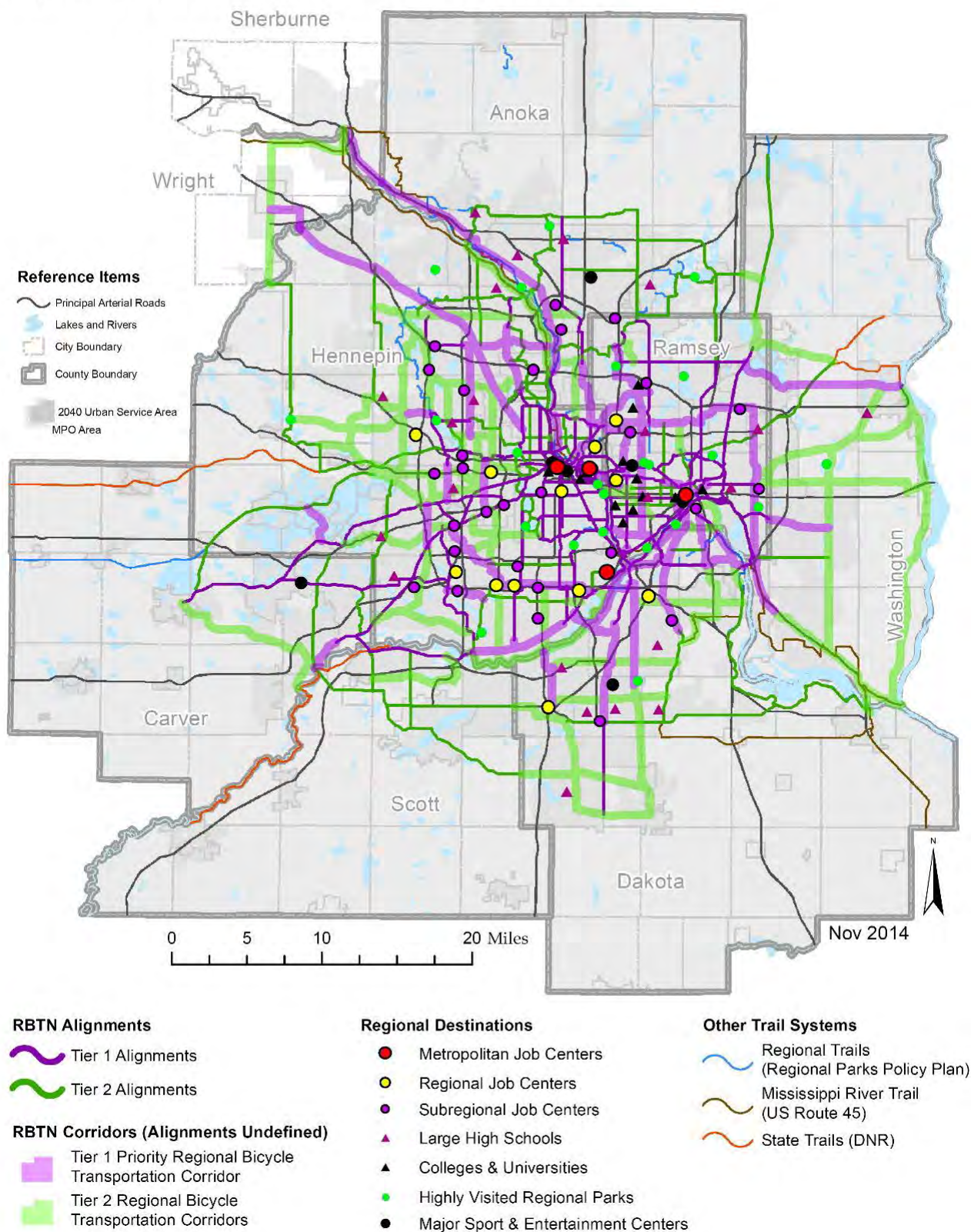


Figure 8-1 of the TPP

Metropolitan Freight System

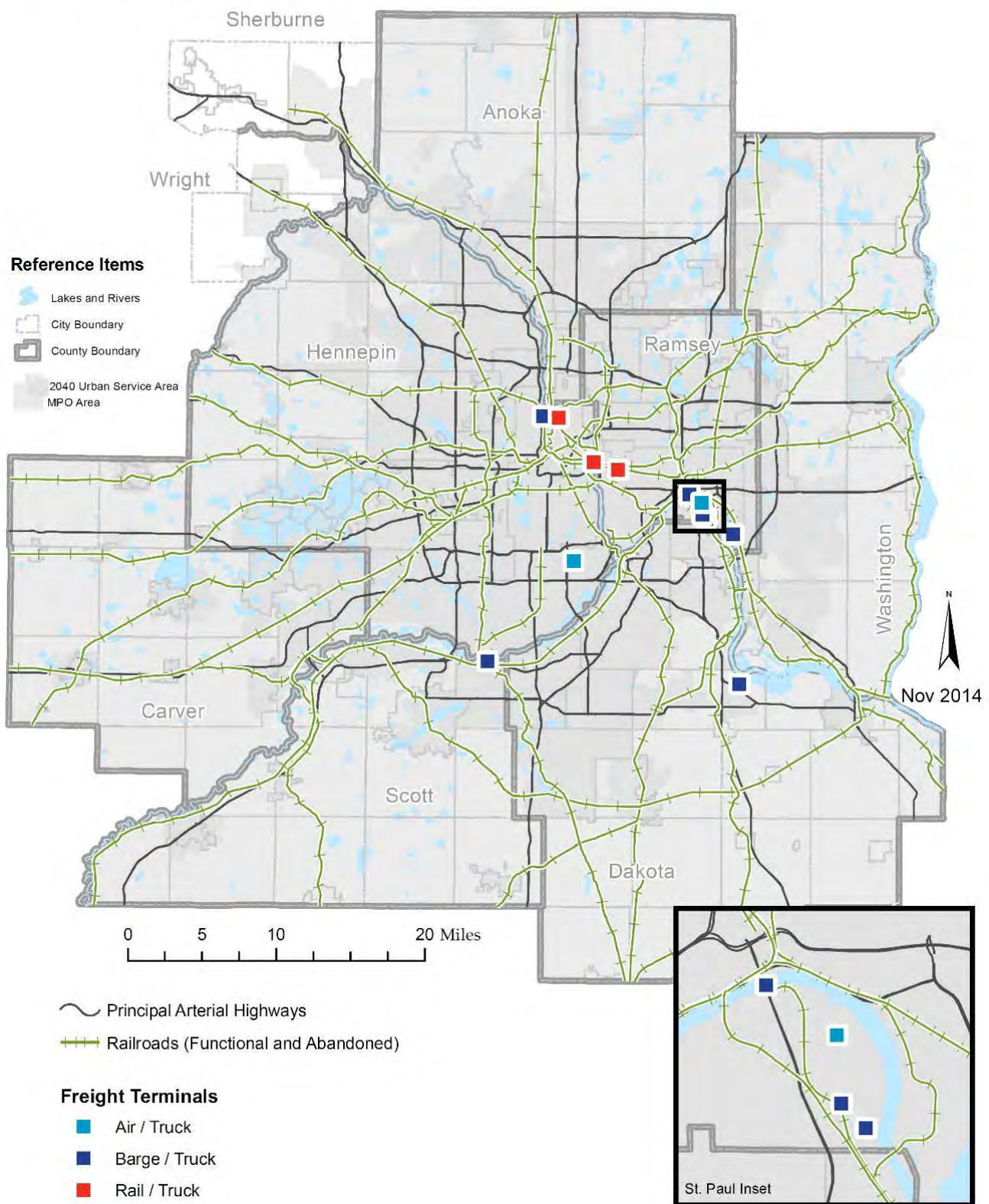
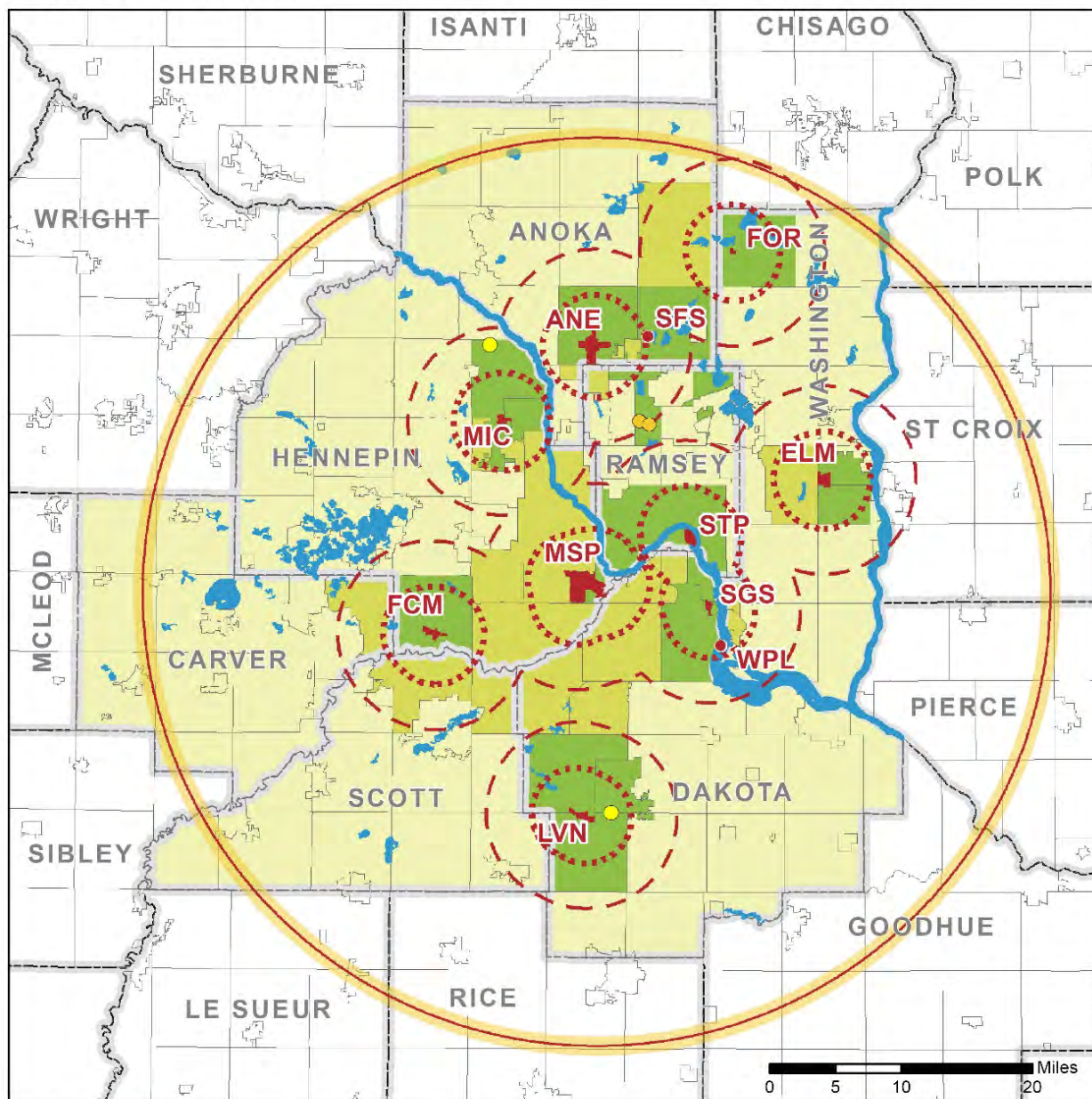


Figure 9-1 of the TPP

Airport Service Areas



Public Owned Public Use Airport

- Airport Compatibility Area**
(3 NM's - Noise, Zoning, Infrastructure)
(6 NM's - Landfills, Wind Towers)

MSP Minneapolis - St. Paul International Airport
(Wold-Chamberlain Field)

STP St. Paul Downtown Airport
(Holman Field)

ANE Anoka County - Blaine Airport
(Janes Field)

FCM Flying Cloud Airport

MIC Crystal Airport

SGS South St. Paul Airport
(Fleming Field)

ELM Lake Elmo Airport

LVN Airlake Airport

FOR Forest Lake Airport

Privately Owned Public Use Airport

SFS Surf-Side Seaplane Base
(Rice Lake)

WPL Wiplane Seaplane Base
(Miss. River)

Minneapolis Class-B Airspace Boundary

Permitted Seaplane Surface Waters
(within 7 County Area only)

VOR Protection Zone

Tall Tower Areas

Aviation Facility Located in Community

Community Directly Affected by Facility(s)

General Airspace Notification/Protection

WATER RESOURCE REQUIREMENTS/ WASTEWATER SYSTEM STATEMENT

City of Dayton

The 2040 Water Resources Policy Plan includes policies and strategies to achieve the following goal:

To protect, conserve, and utilize the region's groundwater and surface water in ways that protect public health, support economical growth and development, maintain habitat and ecosystem health, and provide for recreational opportunities, which are essential to our region's quality of life.

The Policy Plan takes an integrated approach to water supply, water quality, and wastewater issues. This approach moves beyond managing wastewater and stormwater only to meet regulatory requirements by viewing wastewater and stormwater as resources, with the goal of protecting the quantity and quality of water our region needs now and for future generations.

The Policy Plan includes policies and strategies to:

- Maximize regional benefits from regional investments in the areas of wastewater, water supply and surface water.
- Pursue reuse of wastewater and stormwater to offset demands on groundwater supplies.
- Promote greater collaboration, financial support, and technical support in working with partners to address wastewater, water quality, water quantity and water supply issues.
- Implement environmental stewardship in operating the regional wastewater system by reusing wastewater, reducing energy use and air pollutant emissions, and reducing, reusing, and recycling solid waste.

Key Concepts in the 2040 Water Resources Policy Plan

Adopted by the Metropolitan Council in May 2015, the 2040 Water Resources Policy Plan is the metropolitan system plan for metropolitan wastewater services with which local comprehensive plans must conform. The Policy Plan incorporates the following changes:

- Centers on and around an integrated approach to water supply, wastewater, and surface water planning.
- Promotes the investigation of the issues and challenges in furthering our work in water conservation, wastewater and stormwater reuse, and low impact development practices in order to promote a more sustainable region.
- Promotes the concept of sustainable water resources where, through collaboration and cooperation, the region will take steps to manage its water resources in a sustainable way aimed at:
 - Providing an adequate water supply for the region
 - Promoting and implementing best management practices that protect the quality and quantity of our resources
 - Providing efficient and cost effective wastewater services to the region
 - Efficiently addressing nonpoint and point sources pollution issues and solutions, and,
 - Assessing and monitoring lakes, rivers, and streams so that we can adequately manage, protect, and restore our valued resources.
- Continues the Council's position that communities that permit the construction and operation of subsurface sewage treatment systems and other private wastewater treatment systems are

responsible for ensuring that these systems are installed, maintained, managed and regulated consistent with Minnesota Rules Chapter 7080-7083.

- Includes requirements in Appendix C for comprehensive sewer plans, local water plans, and local water supply plans.
- Establishes inflow and infiltration goals for all communities served by the regional wastewater system and requires all communities to include their inflow and infiltration mitigation programs in their comprehensive sewer plan.
- Works with the State to attempt to (1) make funds available for inflow and infiltration mitigation, and (2) promote statutes, rules, and regulations to encourage I/I mitigation.

Dayton should consult the complete Policy Plan in preparing its local comprehensive plan. In addition, Dayton should consult *Thrive MSP 2040* and the *Local Planning Handbook* for specific information needed in its comprehensive plan.

System Plan Considerations Affecting Your Community

Metropolitan Sewer Service

Under state law (Minn. Stat. 473.513) local governments are required to submit both a wastewater plan element to their comprehensive plan as well as a comprehensive sewer plan describing service needs from the Council. Specific requirements for the sewer element of your comprehensive plan can be found in the Water Resources section of the *Local Planning Handbook*.

Forecasts

The forecasts of population, households, employment, and wastewater flows for Dayton as contained in the adopted *2040 Water Resources Policy Plan* can be found at: <http://www.metrocouncil.org/Wastewater-Water/Planning/2040-Water-Resources-Policy-Plan.aspx> and on your Community Page in the *Local Planning Handbook*. These forecasts are for sewered development. The sewered housing forecasts were estimated using SAC data, annual city reports, current trends, existing and future local wastewater service areas and other information relating to your community. The wastewater flows are based on historical wastewater flow data, future projected wastewater generation rates, and the projected sewered population and employment data.

The Council will use these growth and wastewater flow forecasts to plan future interceptor and treatment works improvements needed to serve your community. The Council will not design future interceptor improvements or treatment facilities to handle peak hourly flows in excess of the allowable rate for your community. Dayton, through its comprehensive planning process, must decide the location and staging of development, and then plan and design its local wastewater collection system to serve this development. The Council will use its judgment as to where to assign growth within your community to determine regional system capacity adequacy. If Dayton wishes to identify specific areas within the community to concentrate its growth, it should do so within its Comprehensive Sewer Plan.

You should also note that urban development at overall densities that are substantially lower than those identified for your community in the Community Designation Section of this Systems Statement will also be analyzed by the Council for their potential adverse effects on the cost of providing metropolitan sewer service.

Description of the Metropolitan Disposal System Serving Your Community

Figure 1 shows the location of the Metropolitan Disposal System (MDS) serving your community. Wastewater flow from Dayton is primarily treated at the Metropolitan WWTP. The northern portion of

the City is provided service through an agreement with Otsego, and a small area is provided service through an agreement with Rogers.

Description of the Regional Inflow/Infiltration (I/I) Program

The *2040 Water Resources Policy Plan* states that the Council will establish I/I goals for all communities discharging wastewater to the MDS. Communities that have excessive I/I in their sanitary sewer systems will be required to eliminate excessive I/I. The Council will continue the implementation of its on-going I/I reduction program. Communities identified through the program as needing to eliminate excessive I/I will be required to submit a work plan that details work activities to identify and eliminate sources of I/I. The Council can limit increases in service within those communities having excess I/I that do not demonstrate progress in reducing their excess I/I. The Council will meet with the community and discuss this alternative before it is implemented.

It is required that those communities that have been identified as contributors of excessive I/I, and that have not already addressed private property sources, do so as part of their I/I program. Significant work has been accomplished on the public infrastructure portion of the wastewater system. The Council will pursue making funds available through the State for I/I mitigation, and promote statutes, rules and regulations to encourage I/I mitigation.

Management of Subsurface Sewage Treatment Systems (SSTS) and Private Systems

The Metropolitan Land Planning Act requires the sewer element of the local comprehensive plan to describe the standards and conditions under which the installation of subsurface sewage treatment systems and other private wastewater treatment systems will be permitted and to the extent practicable, the areas not suitable for public or private systems.

The appropriate density for development with subsurface sewage treatment systems depends on the suitability of the soils to treat wastewater and whether space is available for a primary and back up drainfield. It is the Council's position that all municipalities and counties allowing subsurface sewage treatment systems should incorporate current MPCA regulations (Minn. Rules Chapter 7080-7083) as part of a program for managing subsurface sewage treatment systems in the sewer element of their local comprehensive plan and implement the standards in issuing permits.

Dayton should adopt a management program consistent with state rules. An overview of Dayton's management program must be included in the community's local comprehensive plan update. If adequate information on the management program is not included; the comprehensive plan will be found incomplete for review until the required information is provided to the Council. Specific requirements for the local comprehensive plan can be found in the [Local Planning Handbook](#).

Small private treatment plants are located throughout the Metropolitan Area serving such developments as individual industries, mobile home parks, and other urban type uses. The Council's position is that such private wastewater treatment plants should be permitted only if they are in areas not programmed for metropolitan sewer service in the future and they are provided for in a community's comprehensive plan that the Council has approved. Furthermore, the community is responsible for permitting all community or cluster wastewater treatment systems consistent with Minnesota Rules Chapter 7080-7083 and MPCA standards. The Council will not provide financial support to assist communities if these systems fail.

Dayton should include in the sewer element of its local comprehensive plan the conditions under which private treatment plants or municipal treatments would be allowed, and include appropriate

management techniques sufficiently detailed to ensure that the facilities conform to permit conditions. Dayton is responsible for ensuring that permit conditions for private treatment plants are met and financial resources to manage these facilities are available.

Surface Water Management

In 1995, Minnesota Statutes Section 473.859, subd. 2 was amended to make the local water plan (often referred to as local surface water management plans) required by section 103B.235 a part of the land use plan of the local comprehensive plan. Minnesota Rules Chapter 8410, updated in July of 2015, includes the requirements for local water management plans. The main change that you need to be aware of is that all communities in the metropolitan area must update their local water plan between January 1, 2017 and December 31, 2018. This means that Dayton must update its local water plan as part of the comprehensive plan update. The community's updated local water plan should be submitted to the Council for its review concurrent with the review by the Watershed Management Organization(s) within whose watershed(s) the community is located. **Failure to have an updated local water plan will result in the comprehensive plan being found incomplete for review until the required plan is provided to the Council.**

Local water plans must meet the requirements for local water plans in Minnesota Statutes, section 103B.235 and Minnesota Rules Chapter 8410. In general, local surface water plans need to include a summary of the priorities and problems in the community; structural, nonstructural and programmatic actions to take to address the priorities and problems; and clearly identified funding mechanisms to fix the problems.

More detailed guidance for the local water plans can be found in Appendix C of the Council's *2040 Water Resources Policy Plan* and in the Council's current [*Local Planning Handbook*](#).

In addition, the Council has also updated its priority lake list that was first developed in the 1980s as part of the *Water Resources Policy Plan* update. Figure 2 shows the priority lakes for Dayton. The Council uses the priority lake list to focus its limited resources. The list is also used in the environmental review process. Where a proposed development may impact a priority lake, the project proposer must complete a nutrient budget analysis for the lake as part of the environmental review process.

Also included on Figure 2 is the watershed organization(s) that Dayton is part of and a list of impaired waters in the community for use in development of your local water plans.

Other Plan Considerations

Water Supply

Local comprehensive plans also address water supply (Minn. Stat., Sec. 473.859). For communities in the metropolitan area with municipal water supply systems, this local comprehensive plan requirement is met by completing the local water supply plan template, which was jointly developed by the Metropolitan Council and the Minnesota Department of Natural Resource (DNR).

FOR COMMUNITIES WHO OWN/OPERATE A PUBLIC WATER SUPPLY SYSTEM:

Because your community owns/operates a municipal community public water supply system (PWS), the local water supply plan must be updated as part of the local comprehensive plan (Minn. Stat., Sec. 103G.291).

The updated local water supply plan should include information about your community along with information about any neighboring communities served by your system.

You should update your local water supply plan upon notification by DNR. Local water supply plan due dates will be staggered between January 1, 2017 and December 31, 2018. Your updated local water supply plan should be submitted to the DNR. DNR will share the plan with the Council, and it will be reviewed concurrently by both agencies. This schedule allows the local water supply plans to be completed and included in the local comprehensive plan.

Failure to have an updated local water plan will result in the comprehensive plan being found incomplete for review until the required plan is provided to the Council.

The water supply plan template fulfills multiple statutory obligations including:

- Minn. Stat., Sec. 103G.291 to complete a water supply plan including demand reduction
- Minn. Stat., Sec. 473.859 to address water supply in local comprehensive plans
- Minn. Administrative Rules 4720.5280 to address contingency planning for water supply interruption

The plan must be officially adopted by your community, and if applicable the utility board, as part of the local comprehensive plan.

At a minimum, the updated local water supply plan must use the joint DNR and Metropolitan Council template and include water demand projections that are consistent with the community's population forecast provided in the introductory section of this system statement. Potential water supply issues should be acknowledged, monitoring and conservation programs should be developed, and approaches to resolve any issues should be identified.

Guidance and information for water supply planning can be found in the Appendix C of the *2040 Water Resources Policy Plan*, the [Local Planning Handbook](#), and the Council's *Master Water Supply Plan*.

The Council's *Master Water Supply Plan* provides communities in the region with planning assistance for water supply in a way that:

- Recognizes local control and responsibility for owning, maintaining and operating water systems
- Is developed in cooperation and consultation with municipal water suppliers, regional stakeholders and state agencies
- Protects critical habitat and water resources over the long term
- Meets regional needs for a reliable, secure water supply
- Highlights the benefits of integrated planning for stormwater, wastewater and water supply
- Emphasizes and supports conservation and inter-jurisdictional cooperation
- Provides clear guidance by identifying key challenges/issues/considerations in the region and available approaches without dictating solutions

Figures 3-5 illustrate some water supply considerations that the community may consider as they develop their local water supply plans, such as: aquifer water levels, groundwater and surface water interactions, areas where aquifer tests or monitoring may be needed to reduce uncertainty, regulatory and management areas, and emergency interconnections.

Figure 1. MCES Sanitary Sewer Meter Service Areas

City of Dayton, Hennepin County

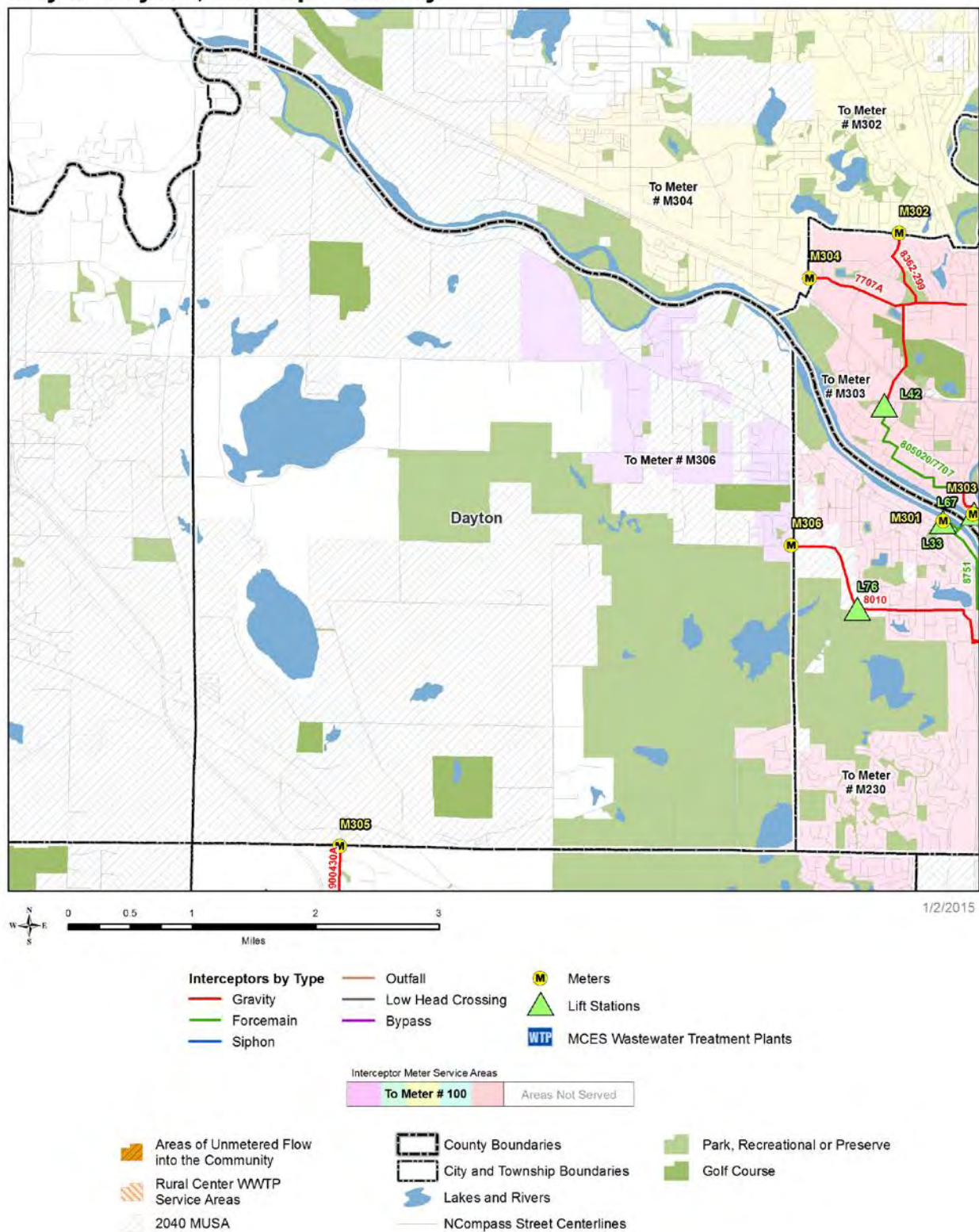
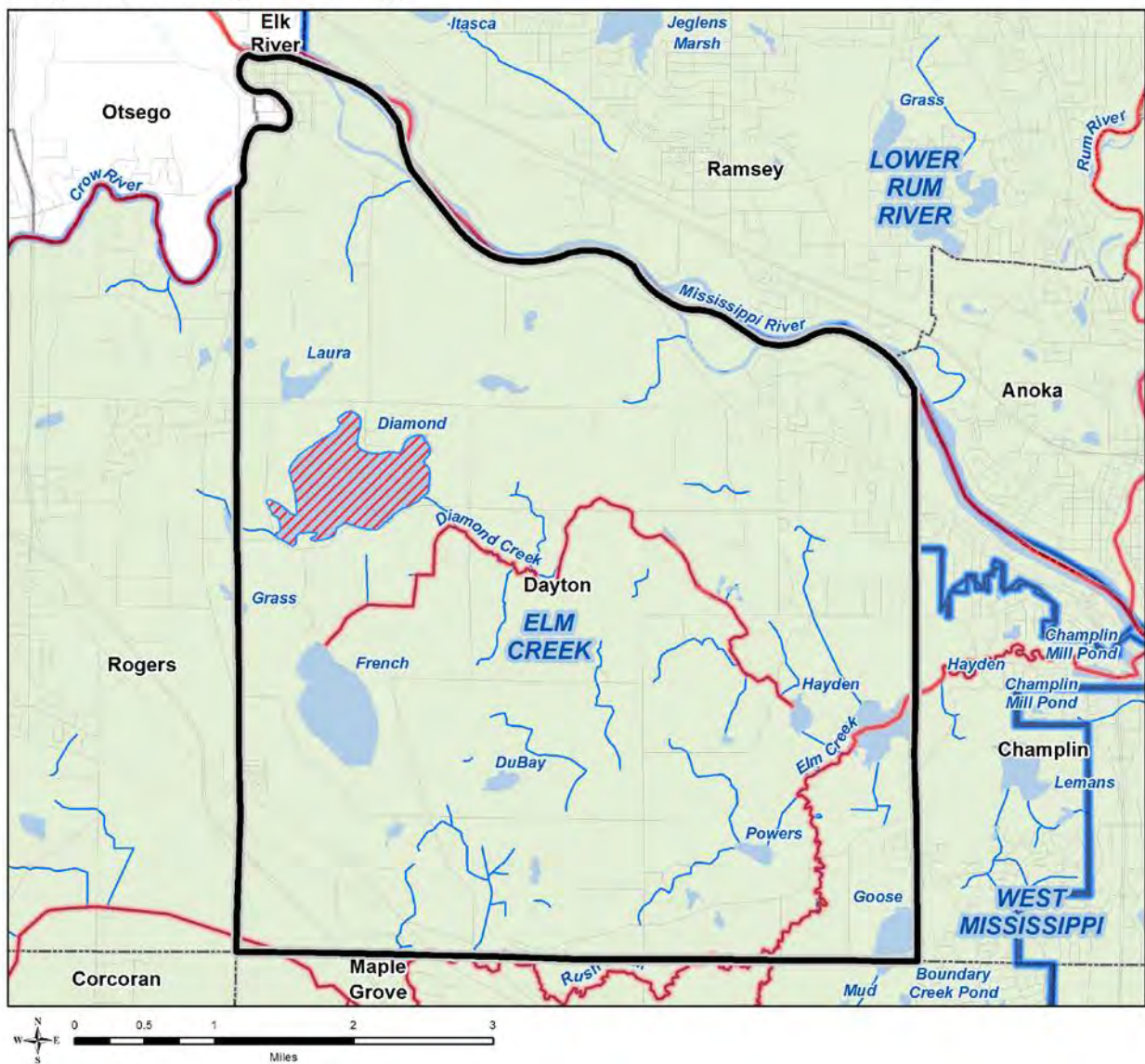





Figure 2. Surface Water Resources

Dayton, Hennepin County



-  Watershed Management Organization Boundaries
- Watershed Management Organization Type**
-  County
 -  Watershed District
 -  Watershed Management Organization

-  Impaired Lakes (2014 Draft MPCA 303(d) List)
-  Impaired Rivers & Streams (2014 Draft MPCA 303(d) List)
-  2014 Priority Lakes
-  County Boundaries
-  City and Township Boundaries
-  Other Lakes and Major Rivers
-  Other Streams
-  NCompass Street Centerlines

Figure 3. Surface water features and interaction with the regional groundwater system, and state-protected surface water features

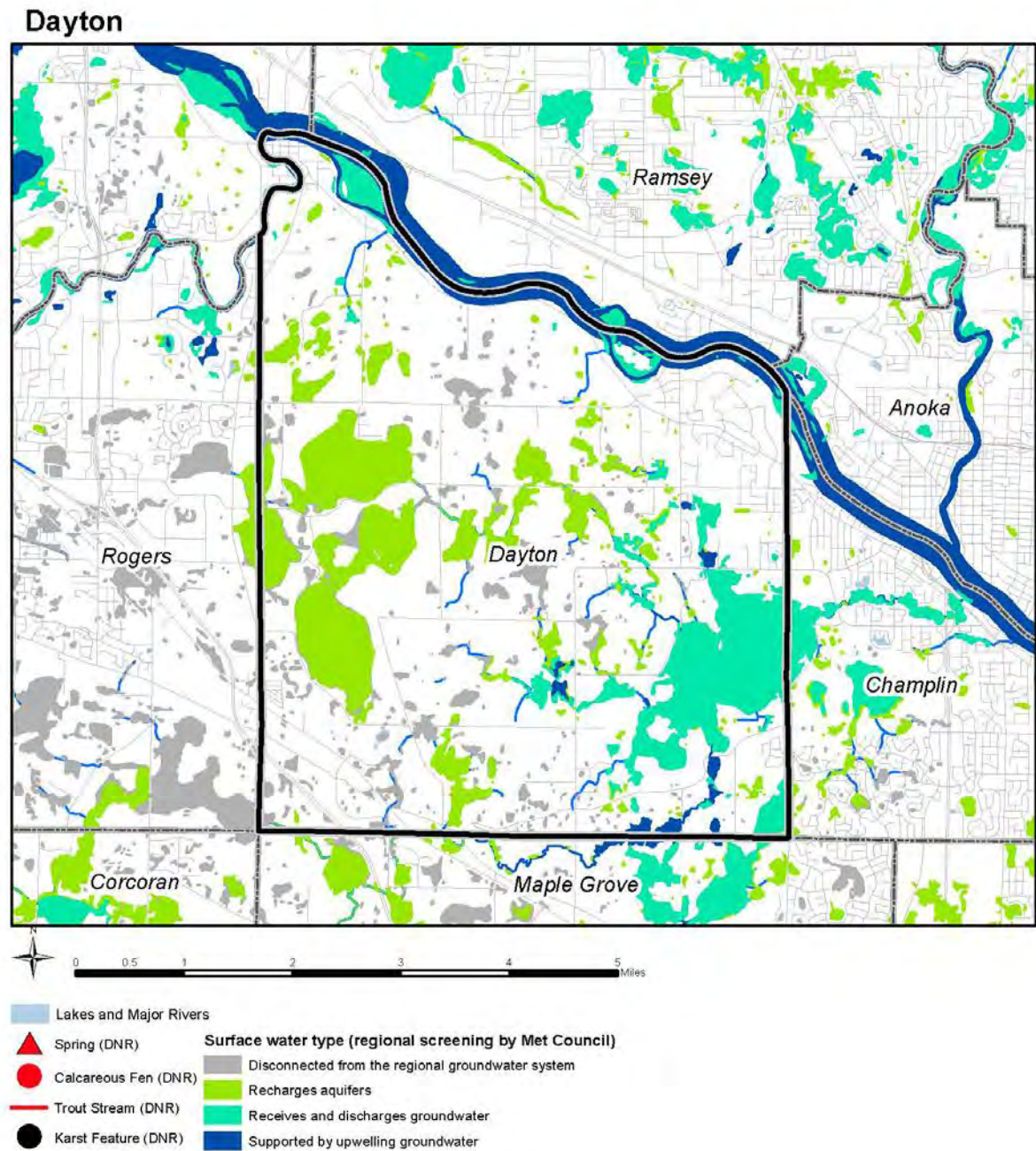


Figure 4. Availability of MN Department of Natural Resources groundwater level and MN Department of Health aquifer test data

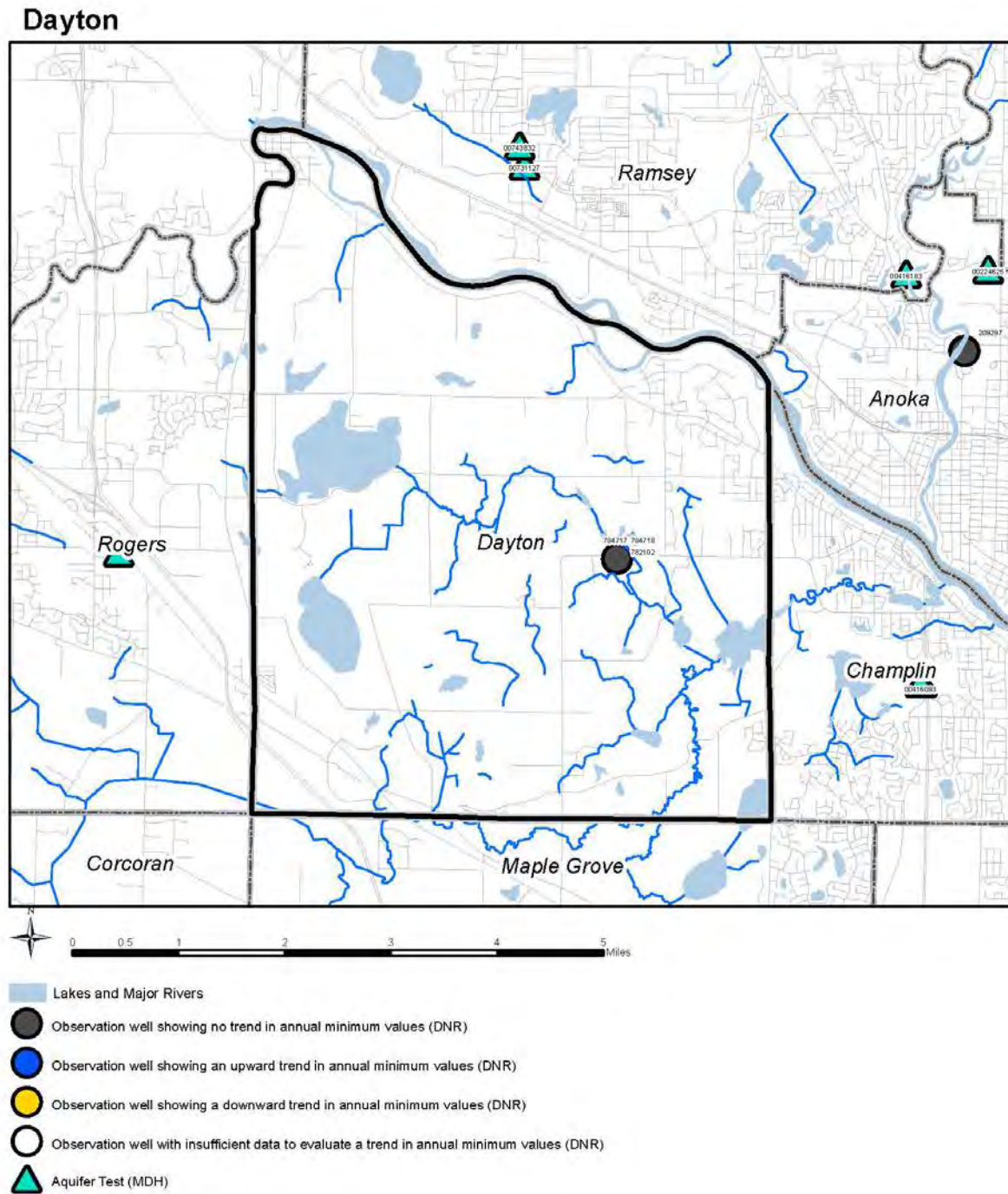
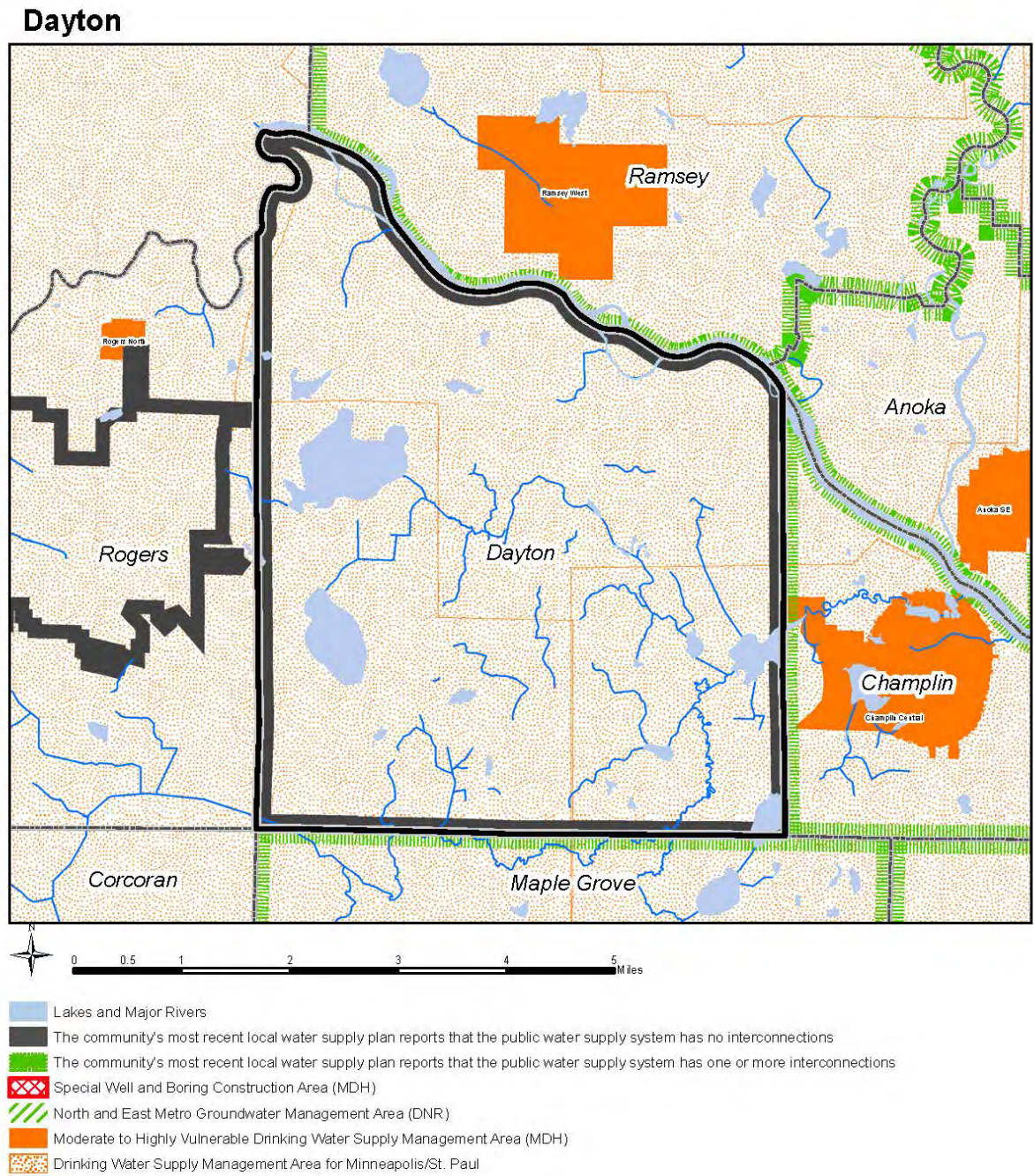


Figure 5. Municipal public water supply system interconnections and regulatory management areas



REGIONAL PARKS SYSTEM STATEMENT

City of Dayton

The Regional Parks System includes 62 regional parks, park reserves, and special recreation features, plus more than 340 miles of regional trails that showcase the unique landscapes of the region and provide year-round recreation. The Regional Parks System is well-loved by our region's residents and attracted over 48 million annual visits in 2014.

The organizational structure of the Regional Parks System is unique, built upon a strong partnership between the Council and the ten regional park implementing agencies that own and operate Regional Parks System units. The regional park implementing agencies are:

Anoka County	Ramsey County
City of Bloomington	City of Saint Paul
Carver County	Scott County
Dakota County	Three Rivers Park District
Minneapolis Park and Recreation Board	Washington County

The *2040 Regional Parks Policy Plan* was developed based on furthering the *Thrive MSP 2040* outcomes of Stewardship, Prosperity, Equity, Livability, and Sustainability. *Thrive MSP 2040* states that the Council will collaborate with the Metropolitan Parks and Open Space Commission, the regional park agencies, and state partners to:

- Expand the Regional Parks System to conserve, maintain, and connect natural resources identified as being of high quality or having regional importance, as identified in the *2040 Regional Parks Policy Plan*.
- Provide a comprehensive regional park and trail system that preserves high-quality natural resources, increases climate resiliency, fosters healthy outcomes, connects communities, and enhances quality of life in the region.
- Promote expanded multimodal access to regional parks, regional trails, and the transit network, where appropriate.
- Strengthen equitable usage of regional parks and trails by all our region's residents, such as across age, race, ethnicity, income, national origin, and ability.

Key Concepts in the *2040 Regional Parks Policy Plan*

The *2040 Regional Parks Policy Plan* includes the following policies, each with specific associated strategies:

- **Recreation Activities and Facilities Policy:** Provide a regional system of recreation opportunities for all residents, while maintaining the integrity of the natural resource base within the Regional Parks System.

- **Siting and Acquisition Policy:** Identify lands with high-quality natural resources that are desirable for Regional Parks System activities and put these lands in a protected status so they will be available for recreational uses and conservation purposes in perpetuity.
- **Planning Policy:** Promote master planning and help provide integrated resource planning across jurisdictions.
- **Finance Policy:** Provide adequate and equitable funding for the Regional Parks System units and facilities in a manner that provides the greatest possible benefits to the people of the region.
- **System Protection Policy:** Protect public investment in acquisition and development by assuring that every component in the system is able to fully carry out its designated role as long as a need for it can be demonstrated.

The *2040 Regional Parks Policy Plan* is the metropolitan system plan for regional recreation open space with which local comprehensive plans must conform. This system statement highlights the elements of the system plan which apply specifically to your community. Find the complete text of the *2040 Regional Parks Policy Plan* on [the Council's website](#).

2040 Regional Parks System Facilities

The Regional Parks System is comprised of four main types of facilities: regional parks, park reserves, special recreation features and regional trails.

Regional Parks

Regional parks most notably contain a diversity of nature-based resources, either naturally occurring or human-built, and are typically 200-500 acres in size. Regional parks accommodate a variety of passive recreation activities.

Park Reserves

Park reserves, like regional parks, provide for a diversity of outdoor recreation activities. One major feature that distinguishes a park reserve from a regional park is its size. The minimum size for a park reserve is 1,000 acres. An additional characteristic of park reserves is that up to 20 percent of the park reserve can be developed for recreational use, with at least 80 percent of the park reserve to be managed as natural lands that protect the ecological functions of the native landscape.

Special Recreation Features

Special recreation features are defined as Regional Parks System opportunities not generally found in the regional parks, park reserves or trail corridors. Special recreation features often require a unique managing or programming effort.

Regional Trails

Regional trails are classified as 1) destination or greenway trails and 2) linking trails. Destination or greenway trails typically follow along routes with high-quality natural resources that make the trail itself a destination. Linking trails are predominately intended to provide connections between various Regional Parks System facilities, most notably regional parks or park reserves.

2040 Regional Parks System Components

The *2040 Regional Parks Policy Plan* identifies six components which together comprise the vision for the Regional Parks System in 2040, as described below.

Existing Regional Parks System Facilities: include Regional Parks System Facilities that are open for public use. These facilities include land that is owned by regional park implementing agencies, and may include inholding parcels within the boundaries of these parks and trail corridors that have not yet been acquired. Existing regional trails may include planned segments that will be developed in the future.

Planned Regional Parks System Facilities (not yet open to the public): include Regional Parks System Facilities that have a Council-approved master plan and may be in stages of acquisition and development, but are not yet open for public use.

Regional Parks System Boundary Adjustments: include general areas identified as potential additions to existing Regional Parks System Facilities to add recreational opportunities or protect natural resources. Specific adjustments to park or trail corridor boundaries have not yet been planned.

Regional Park Search Areas: include general areas for future regional parks to meet the recreational needs of the region by 2040 where the regional park boundary has not yet been planned.

Regional Trail Search Corridors: include proposed regional trails to provide connections between Regional Parks System facilities where the trail alignment has not yet been planned.

2040 Regional Trail Search Corridor System Additions: include regional trail search corridors that were added to the Regional Parks System as part of the *2040 Regional Parks Policy Plan*.

Key Changes in the 2040 Regional Parks Policy Plan

Adopted by the Metropolitan Council in February 2015, the *2040 Regional Parks Policy Plan* incorporates the following changes:

Identify all proposed regional trails as regional trail search corridors

All proposed regional trails that are not yet open to the public and do not have a Metropolitan Council approved master plan are represented as a general regional trail search corridor. The *2030 Regional Parks Policy Plan* depicted these trails with a proposed alignment. The alignment of these regional trails will be determined in the future through a planning process led by the regional park implementing agency. The alignment of these trails is subject to Metropolitan Council approval of a regional trail master plan.

Acquire and develop ten new regional trails or trail extensions to meet the needs of the region in 2040. The 2040 Regional Trail Search Corridor Additions include:

Carver County:

- County Road 61
- Highway 41

Three Rivers Park District:

- CP Rail Extension
- Dakota Rail Extension
- Lake Independence Extension
- Lake Sarah Extension
- Minnetrista Extension
- North-South 1
- North-South 2
- West Mississippi River

The *2040 Regional Parks System Plan Map* is depicted in Figure 1. Dayton should consult the complete [2040 Regional Parks Policy Plan](#) in preparing its local comprehensive plan. In addition, Dayton should consult *Thrive MSP 2040* and the current version of the Metropolitan Council's [Local Planning Handbook](#) for specific information needed in its comprehensive plan.

System Plan Considerations Affecting Your Community

Regional Parks System Components in your community

The following Regional Parks System Components within Dayton as identified in the *2040 Regional Parks Policy Plan* are listed below.

Regional Parks, Park Reserves, and Special Recreation Features

Elm Creek Park Reserve: This is an existing park reserve with an established boundary. The park reserve boundary as shown in Figure 2 should be acknowledged in the comprehensive plan.

Regional Trails

Rush Creek Regional Trail: This is a regional trail that includes segments that are open to the public as well as planned segments that will be developed in the future. The regional trail travels through Brooklyn Park, Maple Grove, Dayton and Rogers. Connects Coon Rapids Dam Regional Park, Shingle Creek Regional Trail, Elm Creek Park Reserve, Crystal Lake Regional Trail, Medicine Lake Regional Trail, North South 1 Regional Trail Search Corridor, and Crow Hassan Park Reserve. The regional trail alignment as shown in Figure 2 should be acknowledged in the comprehensive plan.

Crow River Regional Trail Search Corridor: The regional trail search corridor travels through Dayton, Rogers, Hanover, Greenfield, and Rockford as it connects Mississippi River Regional Trail Search Corridor, North-South 1 Regional Trail Search Corridor, Crow Hassan Park Reserve and Lake Rebecca Park Reserve. Three Rivers Park District will lead a planning process in the future to determine the alignment of the regional trail. When preparing its comprehensive plan, Dayton should verify whether a master plan has been approved by the Metropolitan Council. If a master plan has been approved, the planned regional trail alignment should be acknowledged in the comprehensive plan. Otherwise, the general search corridor as shown in Figure 2 should be acknowledged in the comprehensive plan.

North-South 1 Regional Trail Search Corridor: This regional trail search corridor was added to the Regional Parks System as part of the *2040 Regional Parks Policy Plan*. The search corridor travels through Rogers, Corcoran, Medina, Orono, Wayzata, and Minnetonka as it connects Crow River Regional Trail Search Corridor, Rush Creek Regional Trail, Luce Line State Trail, Dakota Rail Regional Trail, Lake Minnetonka LRT Regional Trail and Highway 101 Regional Trail Search Corridor. Three

Rivers Park District will lead a planning process in the future to determine the alignment of the regional trail. When preparing its comprehensive plan, Dayton should verify whether a master plan has been approved by the Metropolitan Council. If a master plan has been approved, the planned regional trail alignment should be acknowledged in the comprehensive plan. Otherwise, the general search corridor as shown in Figure 2 should be acknowledged in the comprehensive plan.

West Mississippi River Regional Trail Search Corridor: This regional trail search corridor was added to the Regional Parks System as part of the *2040 Regional Parks Policy Plan*. The search corridor travels through Dayton, Champlin, Brooklyn Park, and Brooklyn Center as it connects Crow River Regional Trail Search Corridor, Elm Creek Park Reserve, Rush Creek Regional Trail, Coon Rapids Dam Regional Park, Twin Lakes Regional Trail and North Mississippi Regional Park. Three Rivers Park District will lead a planning process in the future to determine the alignment of the regional trail. When preparing its comprehensive plan, Dayton should verify whether a master plan has been approved by the Metropolitan Council. If a master plan has been approved, the planned regional trail alignment should be acknowledged in the comprehensive plan. Otherwise, the general search corridor as shown in Figure 2 should be acknowledged in the comprehensive plan.

Please contact Three Rivers Park District for more information regarding Regional Parks System Components in Dayton.

Figure 1. 2040 Regional Parks System Plan Map

Regional Parks System Twin Cities Metropolitan Area

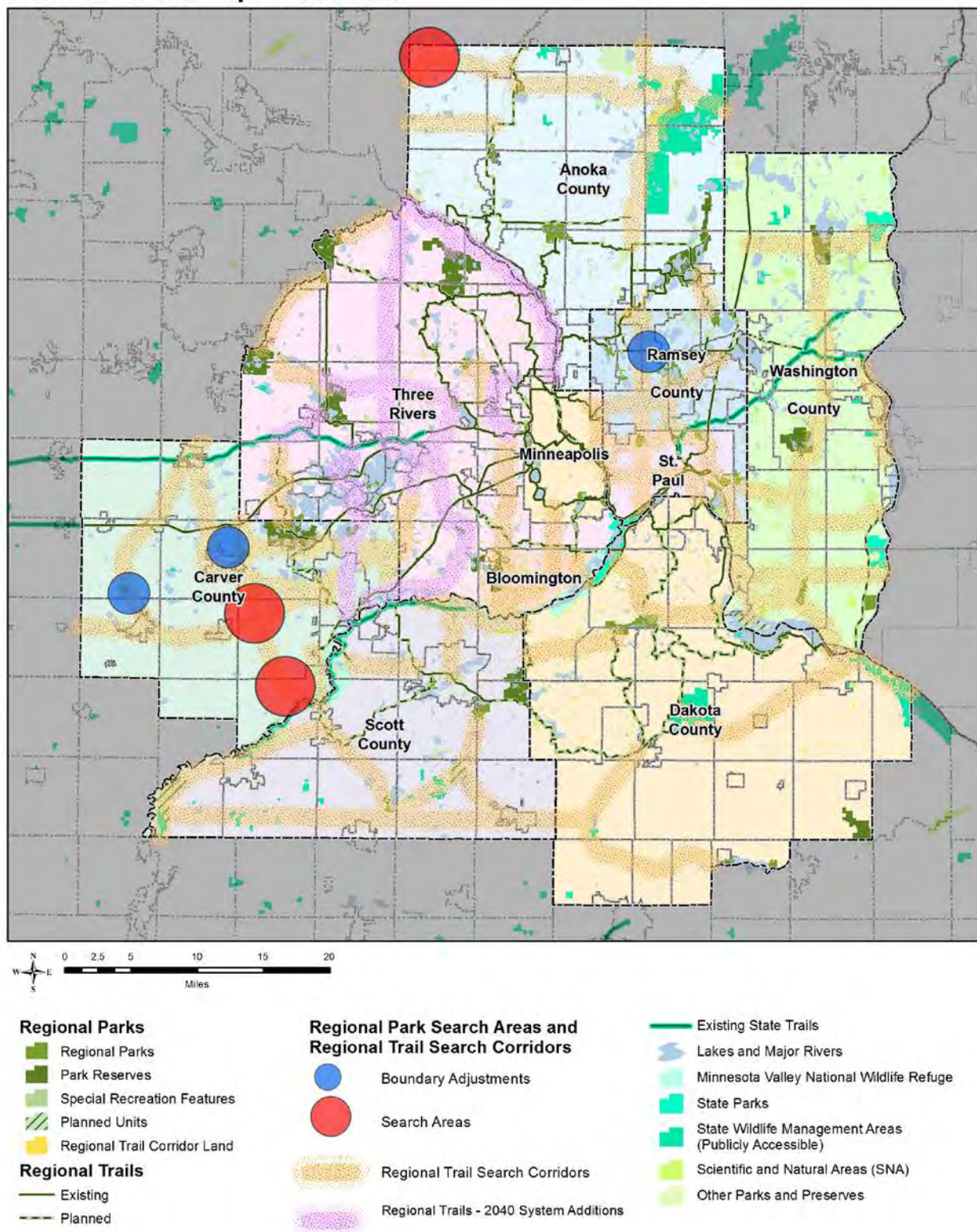
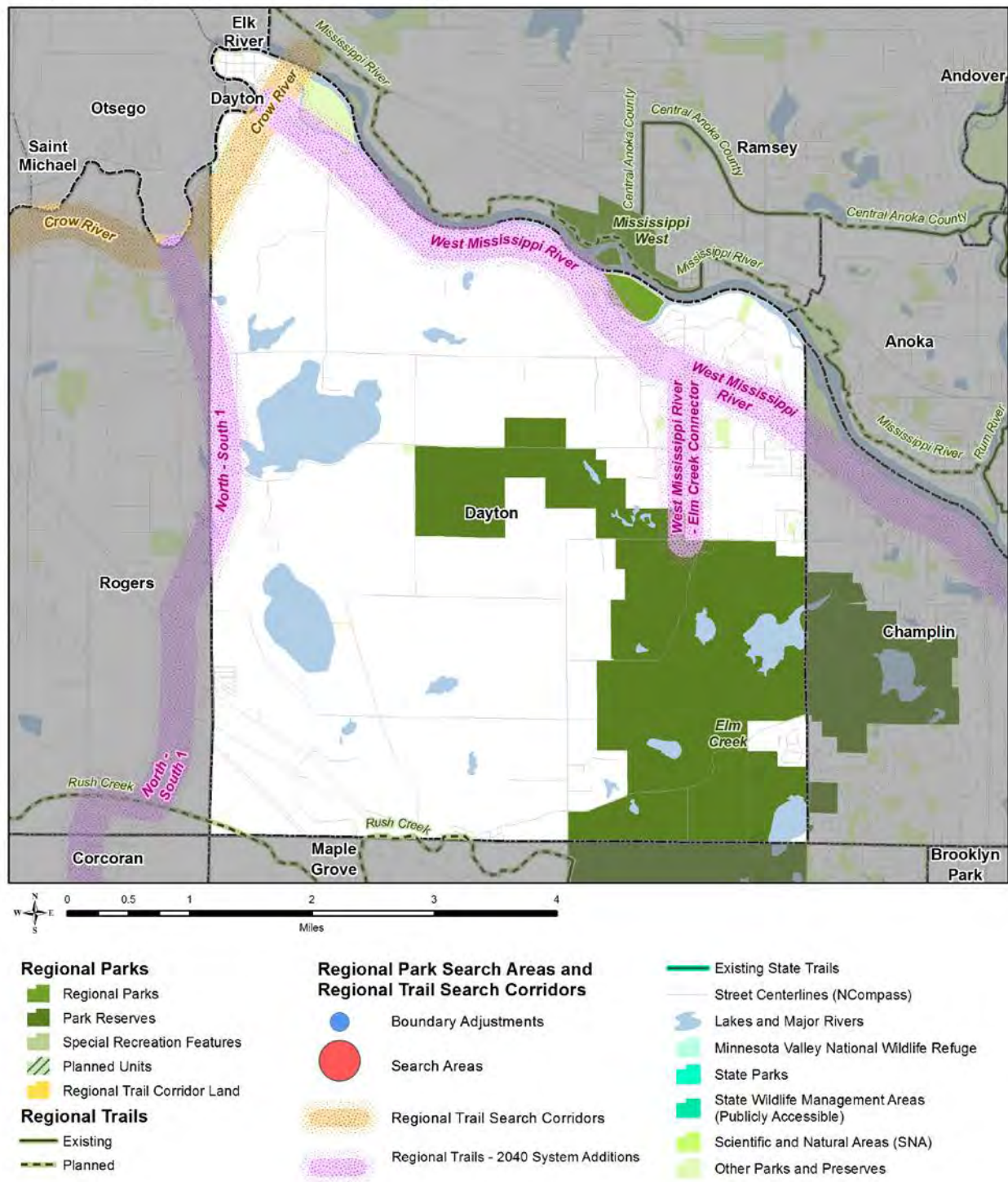


Figure 2. Regional Parks System Facilities in and adjacent to Dayton

Regional Parks System City of Dayton, Hennepin County



City of Lake Elmo v. Metropolitan Council

685 N.W.2d 1 (Minn. 2004)
Decided Aug 5, 2004

No. A03-458.

Filed: August 5, 2004.

2 Appeal from the Minnesota Court of Appeals. *2

Thomas F. Pursell, Forrest D. Nowlin, Lindquist Vennum, PLLP, for Relator.

Andrew D. Parker, Charles B. Holtman, Michael D. Christenson, Smith Parker, PLLP, for Respondent.

Heard, considered, and decided by the court en banc.

OPINION

BLATZ, Chief Justice.

This appeal arises out of the City of Lake Elmo's challenge to the Metropolitan Council's ("Council") final decision, Resolution 2003-10, which requires Lake Elmo to conform its comprehensive land use plan ("comprehensive plan") to the Council's regional system plans ("system plans"). See Metropolitan Council Res. 2003-10 (April 7, 2003) (hereinafter "Resolution 2003-10"). The City of Lake Elmo argues that the Council does not have the statutory authority to adopt Resolution 2003-10 and, therefore, the resolution is not binding upon it. The court of appeals affirmed the Council's decision, holding that Lake Elmo's comprehensive plan may have
3 both *3 a substantial impact on and contain a substantial departure from the Council's system plans. *City of Lake Elmo v. Metro. Council*, 674 N.W.2d 191, 198 (Minn.App. 2003). Applying the

relevant statutory provisions, the court also concluded that the Council had the statutory authority to compel the City of Lake Elmo to modify its comprehensive plan. *Id.* We affirm.

In February 2002, the City of Lake Elmo, appellant, submitted its completed comprehensive plan to the Council, respondent, for review as required by Minn. Stat. § 473.858, subd. 1 (2002). Lake Elmo's comprehensive plan proposed to restrict future development and maintain the rural character of the city. On September 11, 2002, the Council adopted Metropolitan Resolution 2002-30 (hereinafter Resolution 2002-30), the initial resolution in this matter. The Council found that Lake Elmo's comprehensive plan "may have a substantial impact on or contain a substantial departure from" the Council's system plans. See Minn. Stat. § 473.175, subd. 1 (2002). The resolution required Lake Elmo to make nine modifications to its comprehensive plan that would allow for continued population growth through the year 2040. Lake Elmo contested the resolution and requested a hearing before an administrative law judge ("ALJ") pursuant to Minn. Stat. § 473.866 (2002).¹

¹ Minnesota Statutes § 473.866 limits the breadth of the administrative hearing, stating that the subject of the administrative hearing does not extend to the need for or the reasonableness of the metropolitan system plans. Further, the statute provides that at the conclusion of the administrative hearing, the ALJ issues a report, which constitutes a recommendation to the Council. The

Council is not bound by the recommendation, but may adopt, reject, or modify the ALJ's report to reach its final decision. [Minn. Stat. § 473.866](#).

The ALJ addressed two issues: (1) whether Lake Elmo's comprehensive plan may have a substantial impact on or contain a substantial departure from the metropolitan system plans; and (2) whether the Council possessed the statutory authority to require modification of Lake Elmo's comprehensive plan in the manner prescribed by Resolution 2002-30. On March 13, 2003, the ALJ issued its report, findings of fact, and conclusions of law, determining that the Council met its burden of proof and showed by a preponderance of the evidence that Lake Elmo's comprehensive plan may have both a substantial impact on and contain a substantial departure from metropolitan system plans. The ALJ also concluded that the Council possessed the statutory authority to modify Lake Elmo's comprehensive plan. Following the ALJ's decision, the Council passed Resolution 2003-10, the Council's final decision. In that resolution, the Council adopted the ALJ's recommended decision in its entirety and decided that Lake Elmo must modify its comprehensive plan as prescribed in its first resolution, Resolution 2002-30. Lake Elmo then sought review of the Council's final decision from the court of appeals, which upheld the Council's decision in all material respects. *City of Lake Elmo v. Metro. Council*, [674 N.W.2d 191](#). We granted Lake Elmo's petition for review on February 25, 2004.

I.

[Minnesota Statutes § 473.866](#) sets forth the scope of review applicable to contested Council decisions. By reference, it incorporates [Minn. Stat. § 14.69](#) (2002), which states that a reviewing court may reverse or modify an agency's decision "if the substantial rights of the petitioners may have been prejudiced" because the administrative decision was, among other ⁴ things, in excess of statutory authority, unsupported by substantial evidence, or

arbitrary or capricious. Important to our review here, section 473.866 goes on to modify this traditional scope of review in two ways:

The scope of review shall be that of [section 14.69](#), provided that: (1) the court shall not give preference to either the administrative law judge's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence * * *.

First, the statute gives no preference to the fact-finder and, second, it adopts a preponderance of the evidence standard, rather than an "unsupported by substantial evidence" standard.² The preponderance of the evidence standard requires that to establish a fact, it must be more probable that the fact exists than that the contrary exists. *Netzer v. N. Pac. Ry. Co.*, [238 Minn. 416, 425, 57 N.W.2d 247, 253](#) (1953). If evidence of a fact or issue is equally balanced, then that fact or issue has not been established by a preponderance of the evidence. *Id.* The preponderance of the evidence standard is a higher standard than the substantial evidence standard set forth in section 14.69, which is the typical evidentiary standard applied by appellate courts when reviewing agency decisions.³ Therefore, in following the statutory dictates of section 473.866, we will give no "preference" to either the ALJ's report or the Council's decision. Additionally, when determining whether Lake Elmo's comprehensive plan may substantially depart from or substantially impact the Council's system plans, we will review the record applying the preponderance of the evidence standard, and decide whether the evidence supports Resolution 2003-10.

² The Council argues that this language means that equal preference is to be given to both the ALJ's record and report and the Council's findings, conclusions, and final decision, but does not "diminish the deference normally given to administrative

agency decisions." While we recognize that appellate courts traditionally afford deference to fact-finders on questions of fact as appellate review does not typically lend itself to deciding facts de novo, we nevertheless respect the clear language of the statute and give no "preference" to either the ALJ's report or the Council's decision.

- ³ In the context of a contested agency decision, the substantial evidence test is satisfied when the evidence, considered in its entirety, is: (1) such that a reasonable mind might accept it as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than "some evidence"; and (4) more than "any evidence." *Reserve Mining Co. v. Herbst*, 256 N.W.2d 808, 825 (Minn. 1977).

II.

We first address Lake Elmo's arguments challenging the Council's statutory authority to require Lake Elmo to modify its comprehensive plan. Specifically, Lake Elmo argues that the Council lacks the statutory authority to "dictate" Lake Elmo's population density in the manner provided by Resolution 2003-10.

The Council was created by the legislature in 1967 to coordinate interdependent local governments in long-term development and to avoid sprawl within the Twin Cities metropolitan area.⁴ See *City of Brooklyn Ctr. v. Metro. Council*, 306 Minn. 309, 311, 243 N.W.2d 102, 105 (1975), *rev'd on other grounds*, *City of Shorewood v. Metro. Waste Control Com'n*, 533 N.W.2d 402 *5 (Minn. 1995); Minn. Stat. §§ 473.123, 473.851 (2002). To facilitate the long-term planning process, state law requires the Council to periodically prepare and adopt a comprehensive development guide, commonly known as the Regional Blueprint. Minn. Stat. § 473.145 (2002). The Regional Blueprint consists of "a compilation of policy statements, goals, standards, programs, and maps prescribing guides for the orderly and economical

development, public and private, of the metropolitan area." *Id.* ⁵ In addition to the Regional Blueprint, the Council must also adopt "long-range comprehensive policy plan[s]" for airport, transportation, wastewater treatment, and park systems — the system plans. Minn. Stat. §§ 473.146, subd. 1, 473.851, 473.852, subd. 8. (2002). These system plans must conform to the Council's Regional Blueprint. Minn. Stat. § 473.146. Each system plan must include forecasts of changes in population, households, employment, and land uses for the metropolitan area. *Id.* Together, the Regional Blueprint and the system plans coordinate and steer the Council's plans for the seven county metropolitan area over the next 40 years.

- ⁴ The term "metropolitan area" is defined in Minn. Stat. § 473.121, subd. 2 (2002) and, with the exception of three cities (Northfield, Hanover, and New Prague), consists of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

- ⁵ For the purposes of this case, the relevant comprehensive development guide is the December 1996 Regional Blueprint.

Subsequent to the creation of the Council, the legislature enacted the Metropolitan Land Planning Act ("MLPA"), which increased coordination between local governments and the Council. See Minn. Stat. §§ 473.851-871 (2002). The MLPA clearly sets forth the policy and purposes supporting regional planning and the legislative goal that the parts of the metropolitan area work together for the benefit of the whole:

The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development.

[Minn. Stat. § 473.851](#).

Under the MLPA, each local government must periodically prepare or amend its own comprehensive plan and submit it for review and comment by the Council as well as by adjacent governmental units. [Minn. Stat. §§ 473.858](#), subds. 1, 2, [473.864](#) subd. 2. The Council reviews the comprehensive plans of local governmental units "to determine their compatibility with each other and conformity with metropolitan system plans." [Minn. Stat. § 473.175](#), subd. 1 (2002). If the Council finds that a local government's comprehensive plan "may have a substantial impact on or contain a substantial departure from metropolitan system plans," it can, by resolution, require the local government to modify its comprehensive plan. *Id.* ⁶ *6

⁶ We note that [Minn. Stat. § 473.175](#), subd. 1, states that "[t]he Council may require a local governmental unit to modify any

comprehensive plan or part thereof which may have a substantial impact on *or* contain a substantial departure from metropolitan system plans." *Id.* (emphasis added). Therefore, the plain language of the statute establishes that either a substantial impact on *or* a substantial departure from the Council's plan, triggers the Council's authority to require a locality to modify its plan.

Lake Elmo takes issue with the reach of the Council's powers, specifically its requirement that it accommodate up to 9,350 sewer households at a minimum of 3 housing units per acre by 2040. Lake Elmo is a primarily rural city located about ten miles east of St. Paul and has approximately 2,350 households and 7,000 residents. In Lake Elmo's view, control of a city's population density, beyond any other factor, can affect the essential character of a community. Further, Lake Elmo believes that if the legislature wished to grant the Council such pervasive power over cities, it would have expressly done so by statute. Because no statutory provision explicitly grants the Council authority to order a city to reach "minimum density levels," Lake Elmo argues that the Council's practice of combining population forecasts with related system plans to dictate housing densities is impermissible and infringes on Lake Elmo's zoning authority in a manner unintended by the legislature.

We conclude, however, that when viewed against the plain and unambiguous language of the statutes at issue, Lake Elmo's argument is unpersuasive. The statutory scheme clearly gives such authority to the Council. In addition to the express responsibility to guide "the orderly and economical development, public and private, of the metropolitan area," several statutes expressly require the Council to devise extensive plans for the metropolitan area and expressly empower the Council to revise local comprehensive plans that are in conflict with the Council's overarching plan. [Minn. Stat. §§ 473.145](#), [473.146](#), subd. 1;

473.175, subd. 1, 473.858, subd. 1. In short, the Council is required to predict population growth in its Regional Blueprint and in its system plans. Cities must conform their comprehensive plans to the Council's system plans, and the Council may, by resolution, require modification of a city's comprehensive plan when it may have a substantial impact on or contain a substantial departure from the Council's system plans. *Id.*

In this case, the Council decided that Lake Elmo's comprehensive plan will cause inefficient utilization of existing and planned metropolitan transportation and sewer systems. After unsuccessfully attempting to persuade Lake Elmo to modify its comprehensive plan through informal dialogue, which included three alternative proposals, the Council adopted Resolution 2002-30, and finally Resolution 2003-10, concluding that Lake Elmo's comprehensive plan may have a substantial impact on or constitute a departure from the Council's system plans and ordering Lake Elmo to modify its comprehensive plan. Because we hold that the Council has the statutory authority to adopt resolutions, we turn to the second issue — whether the Council's final decision, Resolution 2003-10, was supported by a preponderance of the evidence.

III.

The second issue presented in this appeal concerns Lake Elmo's contention that the Council's resolution, concluding that Lake Elmo's comprehensive plan may have a substantial impact on or depart from the Council's system plans was not supported by a preponderance of the evidence. *See Minn. Stat. § 473.175*, subd. 1. To decide this issue an understanding of the framework within which regional planning occurs is necessary. *7

In 1996, the Council produced the Regional Blueprint, the then-current comprehensive development guide, which forecasted population growth and related development in the metropolitan area based on historical trends,

market forces, and an analysis of where regional urban infrastructure could be provided most cost-effectively. The Regional Blueprint divided Lake Elmo into three land classifications — urban, urban reserve, and permanent rural. "Urban" areas comprise lands either already developed or planned to be developed by 2020. "Urban reserve" areas comprise lands that lie just beyond the border urban areas, which will be developed between 2020 and 2040. The third classification, "permanent rural," includes lands that are not intended to be developed in the foreseeable future. From the Regional Blueprint's growth forecasts and land classifications, the Council was required, by statute, to prepare system plans for its four systems, i.e., wastewater treatment, transportation, airports, and parks. *See Minn. Stat. § 473.146*, subd. 1 (2002). The wastewater treatment and transportation system plans are the primary focus of Lake Elmo's appeal.

The Water Resources Management Policy Plan ("WRMPP") and the Transportation Policy Plan ("TPP") comprised the Council's then-current wastewater treatment and transportation system plans. Both system plans incorporated the Regional Blueprint into their infrastructure development forecasts. Taken together, the Regional Blueprint, the WRMPP, and the TPP made clear the Council's expectations for Lake Elmo's population density growth and the resulting services to be provided.

The WRMPP provided for the construction of a new regional wastewater interceptor to serve Lake Elmo and surrounding communities on the bases that the current interceptor serving the Lake Elmo area was nearing full capacity and because the majority of Lake Elmo fell within the Regional Blueprint's urban and urban reserve boundary.⁷ The WRMPP projected Lake Elmo to absorb a sewered population increase of up to 1,500 households and 1,000 employees by 2020. Utilizing the WRMPP, projected population growth occurring in "urban" areas would bring Lake Elmo's total population to approximately

12,500 by 2020, with development occurring at a minimum density of three units per acre in the urban areas. Incorporating the goals and standards set forth in the Regional Blueprint, the WRMP also calls for Lake Elmo to maintain an urban reserve area for further sewer development between 2020 and 2040. Resolution 2002-30 provides that urban reserve densities are not to exceed one unit per 20 acres so that, when the land is needed, development can proceed quickly and efficiently.⁸ Resolution 2002-30 forecasted Lake Elmo's urban reserve to grow over the next four decades by 7,850 sewer households, with Lake Elmo's population reaching approximately 31,600 by the year 2040. Finally, the Regional Blueprint provides *8 that the remaining Lake Elmo lands will be protected at rural development density, i.e., one unit per 10 acres.

⁷ The 1996 Regional Blueprint contains, among other things, a map that subdivides the metropolitan area into six land classifications. The land classifications chart planned expansion of metropolitan development for the foreseeable future. The map places the majority of Lake Elmo's land into the "urban" and "urban reserve" land classifications, signifying development prior to 2040.

⁸ The Regional Blueprint specifies that urban reserve density must not exceed one unit per 40 acres, unless the housing development is clustered. Such clusters are considered temporary, "until full urbanization occurs around them."

In contrast to the Council's system plans, Lake Elmo sought to permanently limit development and maintain the rural character of Lake Elmo. Though Lake Elmo's comprehensive plan mirrored the WRMP projection of growth to 12,500 residents by the year 2020, the city sought to develop low-density lots throughout Lake Elmo, rather than follow the Council's system plan of confining high-density acreage to a defined area. Lake Elmo proposed to disperse development

across all Lake Elmo land at a density of six units per 20 acres or 16 units per 40 acres, with the undeveloped portion of the property placed in permanent easement for preservation as open space. When compared with the Council's system plans, Lake Elmo's comprehensive plan resulted in under-development within urban areas and over-development within urban reserve and permanent rural areas. In the Council's view, if allowed to go into effect, Lake Elmo's comprehensive plan would exhaust its supply of land by 2020 and severely limit, if not effectively prohibit, additional population growth beyond the year 2020. Furthermore, Lake Elmo's comprehensive plan envisions future sewer service from individual, on-site, sewage treatment systems, not the metropolitan sewer system.

After the Council received Lake Elmo's comprehensive plan, it determined, in Resolution 2002-30, that Lake Elmo must modify its comprehensive plan since it may have a substantial impact on and contain a substantial departure from the Council's system plans. In Resolution 2002-30, the Council made fourteen factual findings, which, among other things, stated that Lake Elmo's failure to plan for higher density development: 1) may result in underutilization of the three "principal arterial highways" that serve Lake Elmo; 2) may cause other municipalities to absorb growth reasonably expected to occur along transportation corridors; 3) may cause longer and more expensive commutes using more fuel and creating additional pollution; 4) may force the region to make additional transportation infrastructure investments to provide transportation access to the redirected population growth; 5) may force the region to invest in new sewer infrastructure, in addition to budgetary commitments already programmed for Lake Elmo, for other areas absorbing redirected population growth; and 6) may affect how the Council "plans, builds and operates its metropolitan disposal system in the Region surrounding the City of Lake Elmo." The Council concluded that Lake Elmo's

comprehensive plan underutilized current and planned infrastructure and created a strong possibility that the Council may need to make duplicative plans and investments in transportation and wastewater treatment infrastructure in other areas of the metropolitan region to serve population growth that would have otherwise settled in Lake Elmo. Therefore, the Council found that Lake Elmo's comprehensive plan may have a substantial impact on or contain a substantial departure from the Council's system plans.

Lake Elmo contested Resolution 2002-30 before an ALJ, who reported extensive findings of fact and, like the Council, determined that the Lake Elmo's comprehensive plan may substantially impact and depart from the Council's system plans. The ALJ found that, through 2020, the Council and Lake Elmo proposed vastly different plans for Lake Elmo's development. The ALJ cited the testimony of Charles Dillerud, Lake Elmo's City Planner and Assistant City Administrator, who highlighted the density disparities between the plans of the Council and Lake Elmo. ⁹ Dillerud testified that the two plans differed as to urban density by a factor of six and that urban reserve densities represented a "substantial difference" between Lake Elmo's comprehensive plan and the Council's system plans. Further, the ALJ agreed with Dillerud that Lake Elmo's use of individual sewer systems, rather than the regional sewer system was an "important distinction" between the two plans. Specifically, the ALJ stated that Lake Elmo's comprehensive plan "fails to provide for any of the 1,500 sewered households identified in the regional system plan for water resources management" and instead envisions new households within Lake Elmo to be served by "individual sewage treatment systems (ISTs) or constructed wetlands wastewater treatment systems (CWWTS)." Based on these findings, the ALJ determined that the differences between the

two plans were "certainly 'considerable in extent' and constitute[d] a substantial departure within the meaning of the statute."

With respect to the substantial impact of Lake Elmo's comprehensive plan on the Council's system plans, the ALJ cited the testimony of Bryce Pickart, the Assistant General Manager for Environmental Services for the Council, and Natalio Diaz, the Director of Metropolitan Transit Services. Relying on their testimony, the ALJ found that the Council established that diverted growth from Lake Elmo will increase the burden on wastewater treatment and transportation facilities in other parts of the metropolitan area. The ALJ found that expanding sewer services and highways in other parts of the region will be more expensive than providing the same services in the Lake Elmo area. Based on the preponderance of evidence presented at the contested hearing, the ALJ concluded that Lake Elmo's comprehensive plan may substantially impact the Council's system plans.

Subsequent to receiving the ALJ's report, the Council rendered its final decision in Resolution 2003-10. In this resolution, the Council adopted the ALJ's report in its entirety, as well as the list of modifications it first required of Lake Elmo in Resolution 2002-30. Lake Elmo challenged the Council's final decision in the court of appeals, which concluded that a preponderance of the evidence supported the Council's decision that Lake Elmo's comprehensive plan may have a substantial impact on and depart from the Council's system plans. *City of Lake Elmo*, 674 N.W.2d at 198. We agree.

It is plainly evident that Lake Elmo's comprehensive plan may contain a substantial departure from the Council's system plans.⁹ See Minn. Stat. § 473.175, subd. 1. By 2040, the Council has planned for Lake Elmo to reach a sewered population of over 9,000 households and approximately 31,600 residents. This growth is to occur in stages and result in a small, yet relatively

dense, portion of Lake Elmo bearing most of the population growth, thereby preserving large sections of Lake Elmo as permanent rural areas. In contrast, Lake Elmo plans to develop at a moderate density, which will exhaust its land supply by 2020 at a population of 12,500 residents. Lake Elmo's comprehensive plan ignores the Council's desired density levels and fails to preserve land for future development. Finally, Lake Elmo does not plan to utilize the regional wastewater interceptor proposed for the Lake Elmo vicinity. Instead, Lake Elmo plans to expand usage of individual sewer *¹⁰ systems in direct contradiction of the WRMP. For the foregoing reasons, we hold that there is a preponderance of evidence supporting the conclusion that Lake Elmo's comprehensive plan may contain a substantial departure from the Council's system plans.

⁹ Lake Elmo's city planner admitted as much when he testified that the two plans were "180 degrees" apart.

The record further supports, by a preponderance of the evidence, the finding that Lake Elmo's comprehensive plan may have a substantial *impact* on the Council's system plans. See Minn. Stat. § 473.175, subd. 1. Specifically, Lake Elmo's limited population would cause inefficient underutilization of existing and planned transportation and sewer infrastructure. The close proximity of Lake Elmo to St. Paul, the availability of principal arterial roadways adjacent to Lake Elmo, the potential for transit services to Lake Elmo, and the availability of cost-effective wastewater treatment services, all point to Lake Elmo's suitability to absorb the inevitable population growth facing the metropolitan area. According to the 1996 Regional Blueprint, by 2020, the metropolitan area must accommodate 330,000 new households and 650,000 new residents. Of this new growth, the Regional Blueprint predicts that 110,000 new households will settle in the east metropolitan area, of which Lake Elmo is a part.

If Lake Elmo does not accept its fair share of metropolitan population growth, this population growth will likely go elsewhere. This, according to the testimony of multiple witnesses, will increase the cost of providing sewer and transportation infrastructure. Evidence showed that Lake Elmo's neighbors have shouldered a far greater population burden than Lake Elmo itself. From 1990-2000, Lake Elmo's population grew by 16.3 percent. In the same time period, nearby communities such as, Oakdale, Cottage Grove, and Woodbury, grew by 45, 33, and 131 percent respectively. Moreover, an additional \$10 million to \$40 million would be required if the Council were to build the proposed Lake Elmo wastewater interceptor elsewhere in the metropolitan area. According to an analysis conducted by Bryce Pickart of the Council, providing a sewer interceptor similar to the proposed Lake Elmo interceptor would cost an additional \$10 million if located in the Mahtomedi, Grant, and Dellwood area; \$12 million more if built in the Hugo, Lino Lakes, and Forest Lake area; and, \$27-\$40 million more if built in the Blaine, Ham Lake, Andover, and Ramsey area. Finally, Natalio Diaz testified that Lake Elmo is situated a short distance from St. Paul and is served by three major highways — Interstate 94, Interstate 694, and Highway 36 — which currently have the capacity for additional traffic.¹⁰

¹⁰ The record reflects that the average daily traffic on Interstate 94 near Lake Elmo is among the lowest volume of similar six lane roadways in the metropolitan area. That portion of Interstate 94 carries 79,000 vehicles a day, whereas Interstate 35W carries 171,000 cars per day north of Highway 62 and Interstate 394 carries 134,000 cars per day west of Highway 100. Further, a \$55 million expansion project is currently planned for a segment of Interstate 94, which connects Lake Elmo to St. Paul.

The foregoing evidence supports the Council's decision that Lake Elmo's comprehensive plan may have a substantial impact on the metropolitan regional system plans. The current and planned regional wastewater treatment and transportation infrastructure can serve Lake Elmo and its projected growth through 2040. If Lake Elmo does not grow in the manner prescribed by the Council in Resolution 2003-10, the "coordinated, orderly and economic development" of the metropolitan area will be adversely effected. Therefore, we hold

11 that, by a preponderance of *11 the evidence, Lake Elmo's comprehensive plan may have both a substantial impact on and a constitute substantial departure from the Council's system plans.

IV.

Finally, Lake Elmo argues that Resolution 2003-10, which requires Lake Elmo to accommodate the number of sewered households identified in the WRMP, creates a de facto obligation to build a "new sewer system," a directive prohibited by [Minn. Stat. § 473.871](#) (2002). Lake Elmo bases its argument on section 473.871, which states that "the council shall have no authority under this chapter to require a local governmental unit to construct a new sewer system."

[Minnesota Statutes § 473.871](#), however, does not stand alone. Section § 115.01, subd. 18 (2002) defines "sewer system" as:

pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a *point of ultimate disposal*.

(Emphasis added.) In order for a collection of pipes, pumps, and mains to constitute a sewer system, it must carry the wastewater "to a point of ultimate disposal." *Id.* Though the Council requires Lake Elmo to link to the metropolitan sewer system, it does not require Lake Elmo to transport sewage to the ultimate point of disposal,

the Metropolitan Wastewater Treatment Plant located in St. Paul, Minnesota. *See* [Minn. Stat. § 473.515](#), subd. 3 (2002). Therefore, although it is a critical part of the regional plan, Lake Elmo's obligation to connect to the regional wastewater interceptor falls short of what constitutes a complete sewer system, both in terms of the statute and common understanding. *See* [Minn. Stat. § 114.01](#), subd. 18.

Further, and importantly, in 1975 the legislature also passed into law [Minn. Stat. § 473.515](#), subd. 3 (2002), which provides in relevant part that:

The council may require any person or local government unit in the metropolitan area to provide for the discharge of its sewage, directly or indirectly, into the metropolitan disposal system, or to connect any disposal system or part thereof with the metropolitan disposal system wherever reasonable opportunity therefor [sic] is provided; * * *.

This subdivision expressly empowers the Council to require cities to connect their sewer systems to the metropolitan disposal system.

Harmonizing the three statutes and recognizing the Council's responsibility for "long-range comprehensive" planning for the metropolitan area, we hold that the Council has the right to require Lake Elmo to connect to the regional sewer system and that such a requirement does not violate section 473.871. To interpret the statutes as Lake Elmo requests would cripple the Council's wastewater planning function. Without the power to require connection to the regional sewer system, the Council could not plan and build sewer infrastructure with the assurance that it would be cost-effectively utilized and coordinated with overall regional development. *See* [Minn. Stat. § 473.851](#).

In summary, we hold that the Council possesses the statutory authority to require Lake Elmo to modify its comprehensive plan in the manner

provided by Resolution 2003-10; a preponderance of the evidence demonstrates that Lake Elmo's comprehensive plan "may have a substantial impact on or contain a substantial departure from metropolitan system plans"; and that the Council
12 has the authority to *12 require Lake Elmo to connect to the regional sewer system.

Affirmed.

ITEM:

Approval of 2025 Strategic Plan

PREPARED BY:

Zach Doud, City Administrator

POLICY DECISION / ACTION TO BE CONSIDERED:

Approval of 2025 Strategic Plan

BACKGROUND:

During the February 11, 2025 work session for the City Council, there was extensive discussion with all members of the Council reviewing what items had been sent to the City Administrator for goals. Discussion from the City Administrator explained that the goals there were sent are more similar to projects than goals, with goals being 10+ year items that take to accomplish whereas projects are more 1-2 year items. The City Administrator explained how a strategic plan can be morphed from the projects that were sent by Council to create a longer-term vision for what Dayton will look like in the long-term future (10-25+ years). The Council agreed on the following strategic initiatives (Build and Maintain Quality Infrastructure, Encourage Diversity and Manage Thoughtful Development, Maintain and Enhance the Natural and Rural Community Connection, and Foster a Safe and Welcoming Community).

This conversation was continued on the March 11th, 2025 council meeting with general direction given to the City Administrator on adjustments needed to the Strategic Plan document. Those adjustments were made by the City Administrator following the meeting and the document for approval of the 2025 Strategic Plan is attached.

CRITICAL ISSUES:

There are no outstanding issues.

RELATIONSHIP TO COUNCIL GOALS:

This action is to create these council goals.

RECOMMENDATION:

Staff's recommendation is to approve the Strategic Plan as presented.

ATTACHMENT(S):

2025 Strategic Plan

Strategic Initiative	Goal	Key Outcome Indicator	Target	Action Items
Build and Maintain Quality Infrastructure	Provide a safe and reliable water supply	- Testing for Primary and Secondary Standards by MDH	- Equitable water across the City	A) Historic Village Water Plan B) Seek out Grant Opportunities C) Meet with County for more City/County Coordination regarding Fernbrook D) Public Facilities Assessment E) Review options for Dayton Parkway E) Corridor Study - Fernbrook
	Establish comprehensive roadway system	- Number of major North/South connections	- Roundabout on Fernbrook and Rush Creek Parkway - Corridor and Road Plan accepted by Council	
	Address public facilities to meet city's growth and needs	- Space for all current staff - Equipment stored securely	- Completed and adopted plan by Council for facilities	
	Maintain quality local street system	- Pavement Grade Quality	- Average Pavement Grade of 70% or higher (PQI)	
Encourage Diversity and Manage Thoughtful Development	Create a variety of housing options	-Review housing type and lot size by %'s	- Proportionate housing types available	A) A-3 District B) Begin work on Comp Plan C) Develop Rental Housing Ordinance D) Seek out businesses more often E) Work with EDA to find niche businesses that are not in surrounding communities F) Complete Large Area Plan
	Encourage healthy lifespan of both residential and commercial operations	- Total amount of Funding provided - Number of rentals available and where they are located	- Maintain grant program - Manage number of rentals	
	Healthy Commercial Sector with services and job growth	- Net difference of businesses movement including their employment	- Maintain a positive difference in business movement	
Maintain and Enhance the Natural and Rural Community Connection	Facilitate an interconnected trail system	- Number of miles of trails - Number of Resident Homes connected to Elm Creek	- Gaps in trails connected - Work towards one connection on the comprehensive trail plan	A) Acquire Trail Right of Way B) Water Trails Build-Out C) Environmental Signage on Parks and Trails D) Diamond Lake Improvements Master Plan E) Actively seek opportunities for community park with athletic fields F) Increase Recreation Events and Programming G) Look into Partnering with Three Rivers for Kayak/Bike Rentals for Water Trails
	Provide and enhance public recreation space	- Acreage of available green space	- Acquire land for community park with athletic fields of 40+ acres	
	Promote Dayton's unique identity and community cohesion	- Participation level in Events and Programs	- Continuation and Expansion of Recreation Programming	
	Promote awareness of our natural resources	- Resident Response for Park Usage on Community Survey	- Establish and Maintain a 60% Favorable Rating from Residents	
Foster a Safe and Welcoming Community	Communicate transparently and effectively	- Citizen participation and feedback	- Increased website visits - Increased app usage and downloads	A) Public Spaces Compliance Assessment B) Digitize files for accessibility and discovery C) Explore Zoning Code Enforcement Options D) Host public safety events E) Maintain City-Wide training coordination F) Continuation of work on app G) Investigate Public Safety Committee H) All Staff and City Officials complete NIMS 100, 700, and 800
	Promote public safety engagement	- Resident Reponse for Police and Fire on Community Survey	- Establish and Maintain a 90% Favorable Rating from Residents	
	Maintain well-trained workforce	- Training Targets (licenses, certs, performance evals)	- 100% staff meet City-Wide required training	
	Create accessible and inclusive parks & facilities	- ADA compliance	- Continued work towards ADA compliance requirements in parks and facilities as much as feasible	