

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
SEPTEMBER 7, 2010
7:00 PM**

CALL TO ORDER:

Mayor Sheldon Anderson called the Regular Meeting of the Wyoming City Council for September 7, 2010 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming City Council were present: Mayor Sheldon Anderson, Councilmembers Roger Elmore, Russ Goudge, Linda Nanko/Yeager and Joe Zerwas.

DETERMINATION OF A QUORUM:

The Mayor determined a Quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

"An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action maybe deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak".

A resident living at 25930 West Comfort Drive stated the ditches have been mowed and the tree that was down has been cleaned up. He also mentioned one part of the road the plows are going to tear it up. Engineer Erichson stated the road will be fixed prior to winter.

Richard Arras (26578 Everton Circle) questioned when the man holes were going to be raised on Everton Circle. He also questioned if the residents of properties that their streets were seal coated were being assed. Engineer Erichson stated residents are not assed for seal coating projects.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for August 17, 2010.**

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR AUGUST 17, 2010.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS: NONE

CONSENT AGENDA:

Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.

- 2 To consider authorizing the City Engineer (WSB) to secure quotes on proposed upgrades of 259th Street Lift Station (New Control Panel & Standby Generator) for City Council approval at October 5, 2010 Council Meeting.**

ACKNOWLEDGE RECEIPT OF REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND DEPARTMENT HEADS:

3 Report of the Public Works Supt. Jason Windingstad for September 1, 2010

4 Report of the Wyoming Police Chief, Paul Hoppe for September 1, 2010

5 Report of City Building Official, Fred Weck, IV for September 1, 2010.

6 Report of City Attorney Mark Vierling for September 1, 2010

7 Report of City Engineer Mark Erichson, WSB for September 1, 2010

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE CONSENT AGENDA MOTIONS #2-#7 AS PRESENTED.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

COMMUNICATIONS:

OLD BUSINESS: NONE

NEW BUSINESS:

- 8 To consider adopting Resolution No. 10-09-52 a resolution approving a variance from City of Wyoming Ordinance number 2009-4, Sec. 40-531, (2), to allow the installation of a six (6) foot tall wood privacy fence within the front non-buildable setback area of Wyoming Trail (CSAH 22) at 26496 Foxboro Avenue.**

Building Official Weck stated Daniel & Susan Tower applied for a variance to allow the installation of a six (6) foot tall wood privacy fence within the front non-buildable setback area of Wyoming Trail. On August 24, 2010 the Planning Commission held a public hearing and granted the variance. Dan Tower stated he had to take his fence down with the construction of Wyoming Trail. He would like to install a six (6) foot wood privacy fence for the privacy, safety and security of his family and the children in the daycare. Towers are also requesting that the City refund the variance application fee as was done for the fence height request at 26494 Goodview Ave.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO. 10-09-52 A RESOLUTION APPROVING A VARIANCE FROM CITY OF WYOMING ORDINANCE NUMBER 2009-4, SEC. 40-531, (2), TO ALLOW THE INSTALLATION OF A SIX (6) FOOT TALL WOOD PRIVACY FENCE WITHIN THE FRONT NON-BUILDABLE SETBACK AREA OF WYOMING TRAIL (CSAH 22) AT 26496 FOXBORO AVENUE. THE CITY ALSO IS WAIVING THE FEES FOR THE VARIANCE APPLICATION.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

9 To consider adopting Resolution No. 10-09-53 a resolution authorizing execution of a cost sharing agreement for Law Enforcement Records Management System between the Chisago County Sheriff's Department and Law Enforcement Agencies of the Cities of Chisago City/Lindstrom, North Branch and Wyoming.

Administrator Mattson stated the City of Wyoming has been managing their own records system and have budgeted for their portion of the fees. Attorney Vierling stated his concerns are data practices and not willing to make changes in the contract. Sergeant Dexter stated the technology with the Law Enforcement Records Management System is more important than getting the changes made in the contract. Staff recommends moving forward with the overall agreement.

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO. 10-09-53 A RESOLUTION AUTHORIZING EXECUTION OF A COST SHARING AGREEMENT FOR LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM BETWEEN THE CHISAGO COUNTY SHERIFF'S DEPARTMENT AND LAW ENFORCEMENT AGENCIES OF THE CITIES OF CHISAGO CITY/LINDSTROM, NORTH BRANCH AND WYOMING.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

10 To consider adopting Resolution No. 10-09-54 a resolution approving the request of North lakes Academy Charter School for a One Year Extension of its CUP to September 1, 2011.

Administrator Mattson stated North Lakes Academy has requested a one (1) year extension of the Condition Use Permit for the school's new site in Wyoming. A representative from the school stated their contractor is continuing to do planning and secure financing. The financing will be completed this fall and the construction should start soon after.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADOPT RESOLUTION NO. 10-09-54 A RESOLUTION APPROVING THE REQUEST OF NORTH LAKES ACADEMY CHARTER SCHOOL FOR A ONE YEAR EXTENSION OF ITS CUP TO SEPTEMBER 1, 2011.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

11 To consider authorizing the City Engineer (WSB) to proceed with the preparation of Plans and Specifications and Advertise for Bids for the Trunk Watermain Improvement Project (WSB Project No. 1688-19 Wyoming City Project 2010 – 02) watermain crossing I 35 at 260th Street.

Engineer Erichson stated in 2006 they analyzed the City's infrastructure and identified some fire compression problems west of the freeway. The construction of the watermain would involve acquiring an easement from Hallberg which he has agreed to. At this time staff is requesting for approval for plans and specs and advertising for bids. Council questioned if the new proposed water tower on the west side of freeway would change the way we are looking at the watermain. Engineer Erichson stated nothing would change with the project and it would stay in the same location.

A MOTION WAS MADE BY MAYOR ANDERSON, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO AUTHORIZE THE CITY ENGINEER (WSB) TO PROCEED WITH THE PREPARATION OF PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE TRUNK WATERMAIN IMPROVEMENT PROJECT (WSB PROJECT NO. 1688-19 WYOMING CITY PROJECT 2010 – 02) WATERMAIN CROSSING I 35 AT 260TH STREET.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

12 To consider authorizing the City Engineer (WSB) to prepare Plans and Specifications for the culvert repair/replacement of the 96" culvert under East Comfort Drive and apply for the Comfort Lake/Forest Lake Watershed permit (estimated cost \$85,000-\$100,000 unfunded/unbudgeted)for City Council approval on October 5th, 2010.

Engineer Erichson stated the Public Works staff has identified a 96' culvert under East Comfort Drive that is in need of replacement. The existing culvert has deteriorated to a condition that warrants replacement. This project is unexpected and unbudgeted and will cost between \$80,000 and \$100,000. The funds can be used from the Wastewater Management Fund which has an adequate amount to cover this project. This road is the only access in and out of the development. There are three (3) possible ways to fix the culvert.

- Installing a poly coated steel culvert which would last longer
- Installing a box culvert
- Using the existing culvert and installing a pipe inside the culvert

Administrator Mattson stated this project is in the former Township which the residents do not contribute to the Wastewater Management Fund.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER GOUDGE, TO AUTHORIZE THE CITY ENGINEER (WSB) TO PREPARE PLANS AND SPECIFICATIONS FOR THE CULVERT REPAIR/REPLACEMENT OF THE 96" CULVERT UNDER EAST COMFORT DRIVE AND APPLY FOR THE COMFORT LAKE/FOREST LAKE WATERSHED PERMIT (ESTIMATED COST \$85,000-\$100,000 UNFUNDED/UNBUDGETED)FOR CITY COUNCIL APPROVAL ON OCTOBER 5TH, 2010.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

13 To consider approving the Collective Bargaining Agreement between the City of Wyoming, Minnesota and AFSCME Local 1647 – Police Unit for January 1, 2010 to December 31, 2010.

Administrator Mattson stated the contracts have been signed by the Afsme Representative Leanne Kunz and the Negotiation Committee Member Brian Rod. There are no changes on the contract running from January 1, 2010 through December 31, 2010.

MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WYOMING, MINNESOTA AND AFSCME LOCAL 1647 – POLICE UNIT FOR JANUARY 1, 2010 TO DECEMBER 31, 2010.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

14 To consider adopting Resolution No. 10-09-55 a resolution approving the 2010 Not to Exceed Tax Levy Payable in 2011 and setting the dates and time for the "Truth in Taxation" hearing

Administrator Mattson stated this Not to Exceed Tax Levy Payable in 2011 is the same amount that was taxed in 2010, which is \$3,376,065 which is \$126,065 over last year. Reduction in the levy would include staffing of the Police Department, arranging a certificate for the dump truck and basically cutting expenses in the General Fund.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE ADOPTING RESOLUTION NO. 10-09-55 A RESOLUTION APPROVING THE 2010 NOT TO EXCEED TAX LEVY PAYABLE IN 2011 AND SETTING THE DATES AND TIME FOR THE "TRUTH IN TAXATION" HEARING

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

CLAIMS:

15 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of August 18, 2010 through September 7, 2010.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO AUTHORIZING PAYMENT OF RECOMMENDED BILLS AND PAYROLL FOR THE PERIOD OF AUGUST 18, 2010 THROUGH SEPTEMBER 7, 2010.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

COUNCIL REPORTS:

COUNCILMEMBER GOUDGE – Will be attending the Joint Sewer Commission meeting to review the bids for the odor control and possibly choose a contractor.

COUNCILMEMBER ZERWAS – No report at this time.

COUNCILMEMBER ELMORE – Attended the Park Board meeting and continued the discussion about the SHIP proposed projects.

COUNCILMEMBER NANKO/YEAGER – Attended the Watershed District Meeting 9/26/2010. The Watershed budget had no levy increase and in fact reduced by 0.01%. The Sunrise River petition was passed. The district engineer will now prepare a detailed feasibility report, including an estimate of costs. Lake, Stream, and Wetland Buffer Requirements: A buffer rule that concerns lakefront property owners wishing to build on their land. There has been an ongoing discussion about amending the rule. The watershed district will be seeking public comment from their advisory committees. Anyone wishing to comment should contact Administrator Doug Thomas.

Nanko/Yeager also thanked everyone for attending the meeting.

MAYOR ANDERSON – No report at this time.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADJOURN THE SEPTEMBER 7, 2010 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 7:52 P.M.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.

Voting Nay: None

Absent: None

A portion of this public meeting may be closed to discuss "Labor Negotiation Strategies"; "Misconduct allegations or charges"; "Attorney-client privilege"; or "Performance evaluations" as per MN State Statute 13D.01-.05.

_____, Deputy Clerk