

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
APRIL 20, 2010
7:00 PM**

CALL TO ORDER:

Mayor Sheldon Anderson called the Regular Meeting of the Wyoming City Council for April 20, 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”.

None

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for April 6, 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 APRIL 6, 2010 WITH THE FOLLOWING CORRECTIONS. COUNCILMEMBER NANKO-YEAGER REPORTED THE PROGRESS ON THE PETITION TO THE COUNTY COMMISSIONERS IN THE WATERSHED DISTRICT REGARDING THE SUNRISE RIVER DRAINAGE ISSUES.

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 approving the “Exclusive Listing Agreement for Commercial Sale” with Gaughan Companies for the marketing of the Bingham Property as recommended by the Wyoming Economic Development Authority.

Councilmember Nanko-Yeager stated she has concerns because the Exclusive Listing Agreement looks like a generic blank selling agreement without the pertinent information.

- No listing price
- Instructions to broker
- Closing Services

Councilmember Nanko-Yeager would like this information filled in before approval. The document will be filled in as the condition of the City Council’s approval.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE ITEM #2 AS PRESENTED AND WITH THE CITY COUNCIL’S CONDITION OF FILLING IN THE PERTINENT INFORMATION.

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

Voting Nay: None

Absent: None

3 To consider adopting Resolution No. 10-04-28 a resolution approving change order #5 to the tanker pumper fire apparatus for the Wyoming fire department to General Safety Fire Apparatus to add “Holmatro spreader tool” \$475 and “deduct” radio equipment \$3,195 - new contract total - \$485,792 (payoff amount due \$326,577.00).

4 To consider adopting Resolution No. 10-04-29 a resolution approving the Final Payment to General Safety for the Tanker Pumper for the Wyoming Volunteer Fire Department in the amount of \$326,577.

5 To consider approval of the Bilateral Compliance Agreement between the City of Wyoming and the Minnesota Department of Health (MDH) to

provide corrective actions and timetables to overcome deficiencies noted in the MDH Notice of Violation letter dated January 7, 2005.

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

5 Report of the Wyoming Police Chief, Paul Hoppe for April 16, 2010

6 Report of City Building Official, Fred Weck, IV for April 15, 2010.

7 Report of City Attorney Mark Vierling for April 15, 2010

8 Report of City Engineer Mark Erichson, WSB for April 19, 2010

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER NANKO-YEAGER, TO APPROVE CONSENT AGENDA MOTIONS #3-#8 AS PRESENTED AND PULLING #2 FOR DISCUSSION.

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

Voting Nay: None

Absent: None

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

9 To consider adopting Resolution no 10-04-30 a resolution approving the variance from the City of Wyoming Zoning Ordinance Sec. 40-531, (2) for a fence exceeding six (6) feet in height within the front non buildable setback area of Wyoming Trail.

Building Official Weck stated Kulesa applied for a variance to allow the installation of a six (6) foot tall wood privacy fence within the front buildable setback area of Wyoming Trail/County 22. On April 13, 2010, the Planning Commission voted to recommend to the Wyoming City Council approval of the request based on the findings of facts. The proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in the public right-of-way on the easement or endanger the public safety.

Jeremy Kulesa was present to request a waiver from the variance fee, because of the construction of Wyoming Trail in 2009 stating he lost property with the bike trail and would like the privacy fence because the trail is very close to his house.

Administrator Mattson stated the variance fee covers the cost of notices of publication and letters to Kulesa's neighbors. Building Official Weck also mentioned the fee covers his time in preparing for the hearing and Planning Commission meeting.

A MOTION WAS MADE BY MAYOR ANDERSON, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO 10-04-30 A RESOLUTION APPROVING THE VARIANCE FROM THE CITY OF WYOMING ZONING ORDINANCE SEC. 40-531, (2) FOR A FENCE EXCEEDING SIX (6) FEET IN HEIGHT WITHIN THE FRONT NON BUILDABLE SETBACK AREA OF WYOMING TRAIL. ALSO WAIVING THE VARIANCE FEE.

Voting Aye: Anderson, Elmore, Goudge and Zerwas.

Voting Nay: Nanko/Yeager

Absent: None

10 To consider adopting Resolution No. 10-04-31 a resolution approving the amendment to the Tax Abatement Agreement and authorize payment accordingly.

The Tax Abatement was originally dated July 15, 2003 with General Safety and runs for a ten (10) year period. The City of Wyoming and Chisago County are requesting amending and modifying the agreement to exclude the maximum amount allowed to be paid per year and have authorization to pay accordingly.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO. 10-04-31 A RESOLUTION APPROVING THE AMENDMENT TO THE TAX ABATEMENT AGREEMENT AND AUTHORIZE PAYMENT ACCORDINGLY.

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

Voting Nay: None

Absent: None

11 To consider adopting Resolution No. 10-04-32 a resolution adopting Wyoming City Ordinance No. 2010 – 02 Cable Television Franchise Ordinance with US Cablevision

The City of Wyoming and US Cable have been negotiating this agreement since 2005. By adopting this Franchise Agreement the City of Wyoming intends to bring further development of a Cable System, and the continued operation of it. The franchise complies with the existing state statutes, federal laws and regulations.

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER ELMORE, TO ADOPT RESOLUTION NO. 10-04-32 A RESOLUTION ADOPTING WYOMING CITY ORDINANCE NO. 2010 – 02 CABLE TELEVISION FRANCHISE ORDINANCE WITH US CABLEVISION

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

Voting Nay: None

Absent: None

12 To consider adopting Policies related to the administration and management of the Build America Bonds sold in 2009.

Administrator Mattson stated this policy is being adopted so the City of Wyoming is in compliance with the Internal Revenue Service regarding the

compliance procedure and policy for Tax-Exempt Governmental Bonds and Build America Bonds. The City Administrator shall be responsible for assigning post-issuance compliance responsibilities to members of the Finance Department, other staff of the City, Bond Counsel, Paying Agent, and Rebate Analyst. The City Administrator shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the City.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE THE POST ISSUANCE PROCEDURE AND POLICY FOR TAX-EXEMPT GOVERNMENT BONDS AND BUILD AMERICA BONDS

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

Voting Nay: None

Absent: None

13 To consider entering into an Agreement for Loan of Minnesota Investment Fund (MIF Grant #CDAP-09-0015-HFY10) of \$150,000 from the City of Wyoming to Xccent Inc. for purchase of Equipment.

The City of Wyoming has the approval to administer funds to Xccent Inc. from the Minnesota Investment Fund. The funds will be to purchase additional equipment. The City of Wyoming will grant Xccent Inc. \$150,000 which shall be state funds appropriated under the Minnesota Investment Fund Program by the State Legislature. Xccent Inc. will submit reports to the City of Wyoming in accordance with the reporting requirements.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE ENTERING INTO AN AGREEMENT FOR LOAN OF MINNESOTA INVESTMENT FUND (MIF GRANT #CDAP-09-0015-HFY10) OF \$150,000 FROM THE CITY OF WYOMING TO XCCENT INC. FOR PURCHASE OF EQUIPMENT.

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

Voting Nay: None

Absent: None

14 To consider participating in the Wyoming Elementary School Calendar at a cost of \$250.00.

Administrator Mattson stated in the past the City has participated in the calendar. Mattson mentioned the option of only purchasing one (1) page for \$250.00 rather than two (2) pages for \$500.00. Consensus of the Wyoming City Council was to not participate in the Wyoming Elementary School Calendar. The Council stated the information in the calendar might be outdated by the time of publication due to the fall elections. Also the funds were not in the 2010 City of Wyoming budget. No action is needed on this issue.

CLAIMS:

15 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of April 7, 2010 through April 20, 2010.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO AUTHORIZING PAYMENT OF RECOMMENDED BILLS AND PAYROLL FOR THE PERIOD OF APRIL 7, 2010 THROUGH APRIL 20, 2010.

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

Voting Nay: None

Absent: None

COUNCIL REPORTS:

COUNCILMEMBER GOUDGE – Attended the EDA meeting.

COUNCILMEMBER ZERWAS – April 12, 2010 attended the budget meeting at the Joint Sewer Commission. Also, attended on April 19, 2010 a Joint Sewer Commission meeting where the commission was presented from the Commission of the Pollution Control Agency a commendation complying with the 2009 agency permits programs. This was the 10th commendation in a row presented to the Joint Sewer Commission.

COUNCILMEMBER ELMORE – No report at this time.

COUNCILMEMBER NANKO/YEAGER – Attended the Forest Lake Chamber Luncheon along with Mayor Anderson and Governor Pawlenty. Thanked everyone for attending the City Council meeting.

MAYOR ANDERSON – Also, attended the Forest Lake Chamber Luncheon and toured the Xccent Building with Governor Pawlenty.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO ADJOURN THE APRIL 20, 2010 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 7:35 P.M.

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

Voting Nay: None

Absent: None

_____, Deputy Clerk