

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JUNE 1, 2010
7:00 PM**

CALL TO ORDER:

Mayor Sheldon Anderson called the Regular Meeting of the Wyoming City Council for June 1, 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:

MOMENT OF SILENCE:

Mayor Anderson stated a member of the Wyoming Fire Department Thad Joselyn passed away last Thursday, May 27, 2010. Thad was diagnosed with pancreatic cancer in January. He was a six year member of the Wyoming Fire Department and previously a 16 year member of the Vadnais Heights Fire Department. Thad Joselyn leaves behind his wife Sandy, two daughters Jordan and Brenna and son Collin. Mayor Anderson asked everyone to take a moment of silence in remembrance for his service and family.

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".

Jerry Owens (25717 Gramford Ave.) stated he was disappointed in seeing items 13-15 on the agenda. This item was brought before the Wyoming City Council before the EDA had time to review the item. Owen's stated there could have been people here from the EDA to discuss this. There are members on the EDA that are in the banking community who are very good at figuring out financial problems. He thought the EDA should have looked into the TIF 3-1 deficit before a determination was made by the City Council; it's like putting the horse before the cart.

The Giese Memorial Library Librarian Rebecca Hostetler (26885 Forest Blvd.) was present to advise the City Council that on August 14, 2010 there will be a celebration for the end of the Library reading program. There will be a band and she was wondering if they need a permit. Mayor Anderson stated they would not need a permit. Hostetler also questioned if the Police Reserves would be available to direct traffic. Mayor Anderson stated they would be available.

Richard Arras (26578 Everton Circle) was present to question if there was a plan for the reconstruction of Everton Circle. Arras stated the street will not survive another winter.

Engineer Erichson said the City of Wyoming has completed a Street Management Plan but Everton Circle does not have a date for improvement.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for May 18, 2010.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR MAY 18, 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 approving the Wyoming Volunteer Fire department request to declare Fire Engine #20 as Surplus Property for disposal by sale and authorize advertisement of said vehicle for sale in the League of Minnesota Bulletin etc.
- 3 To confirm the City Council of the City of Wyoming Does Not Waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. When renewing Liability Insurance Coverage with LMCIT (League of Minnesota Cities Insurance Trust).
- 4 To consider adopting Resolution No. 10-06-35 a Authorizing Pay Voucher #8 for Pay period 12/01/2009 – 4/30/2010 on City of Wyoming share of CSAH 22 (City Project 2008-02 – WSB Project 1039-30) in amount of \$3,362.50.
- 5 To consider adopting Resolution No 10-06-36 a resolution changing the status of Public Works Employee Mike Jensen from Probationary Employee to Regular Fulltime Employee effective June 1, 2010.

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

- 6 Report of the Public Works Supt. Jason Windingstad for May 26, 2010
- 7 Report of the Wyoming Police Chief, Paul Hoppe for May 26, 2010
- 8 Report of City Building Official, Fred Weck, IV for May 26, 2010.
- 9 Report of City Attorney Mark Vierling for May 26, 2010
- 10 Report of City Engineer Mark Erichson, WSB for May 26, 2010

COMMUNICATIONS:

“No Action Required” – Request for Funds from Initiative Foundation for 2010

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE CONSENT AGENDA MOTIONS #2-#10 AS PRESENTED.

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

Voting Nay: None

Absent: None

NEW BUSINESS:

12 To consider the 2009 Annual Audit of Funds – Wyoming Audit Management Letter, Wyoming Financial Report for fiscal year 2009 and related Compliance Reports. (David J Mol, CPA – HLB Tautges & Redpath)

Dave Mol (HLB Tautges & Redpath) was present to review the 2009 audit of the City of Wyoming. Moll stated a clean opinion was issued on the 2009 financial statements. There were no findings of noncompliance for 2009 in the seven categories covered. The internal control report found five deficiencies noted as follows:

- 1 Segregation of duties – This is common in a City with limited number of staff
- 2 Credit Cards – Administrator Mattson will implement controls over the City’s credit cards
- 3 Control over disbursements – The City will establish policy requiring disbursements over \$500,00 to have the required two forms of approval
- 4 Audit adjustments – The City will continue to have a 3rd party preparing the financial statements
- 5 Approval of Journal Entries – The City will establish a formal approval process

There were no significant difficulties encountered in performing the audit and no disagreements with management.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE THE 2009 ANNUAL AUDIT OF FUNDS – WYOMING AUDIT MANAGEMENT LETTER, WYOMING FINANCIAL REPORT FOR FISCAL YEAR 2009 AND RELATED COMPLIANCE REPORTS. (DAVID J MOL, CPA – HLB TAUTGES & REDPATH)

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

Voting Nay: None

Absent: None

13 To consider adopting Resolution No. 10-06-38 a resolution approving modification of Tax Increment Financing Plan for Tax Increment Financing District No. 3-1 (East Viking Commons).

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO ADOPT RESOLUTION NO. 10-06-38 A RESOLUTION APPROVING MODIFICATION OF TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 3-1 (EAST VIKING COMMONS).

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

Voting Nay: None
Absent: None

14 To consider adopting Resolution No. 10-06-39 a resolution authorizing transfer of increment from Tax Increment Financing District No's 1 and 3-2 to reduce a deficit for Tax Increment Finance District No. 3-1

Tom Denaway (Springsted) was present to review TIF District 3-1 "Viking Commons Addition". Denaway stated most districts suffered reduction in increment as a result of 2001 property tax law changes and the reduction in class rates and shifting of education taxes. With TIF 3-1 it was determined that it suffered from the effects of class rate compression. State statues allow City's the authority for pooling amongst districts to offset deficits from class rate compression. Funds available for pooling are in TIF District 1 and TIF District 3-2. Springsted recommends transferring land sale proceeds from Economic Development Authority Fund 280 to TIF District 3-1 fund. Adopt deficit resolution allowing transfer of fund balances from ED District 1 and ED District 3-2 to TIF District 3-1 and approving Administrative Amendment Resolution formally amending the TIF Plan for TIF District 3-1.

Councilmember Elmore questioned if the City will continue to pay the developer even if the development is complete. Denaway stated TIF 3-1 is a pay-as-you-go TIF which means the City reimburses the developers costs incurred over the next 25 years as the value of the development increases.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO. 10-06-39 A RESOLUTION AUTHORIZING TRANSFER OF INCREMENT FROM TAX INCREMENT FINANCING DISTRICT NO'S 1 AND 3-2 TO REDUCE A DEFICIT FOR TAX INCREMENT FINANCE DISTRICT NO. 3-1

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.
Voting Nay: None
Absent: None

16 To consider adopting Resolution No. 10-06-40 a resolution approving the release of the Letter of Credit with Xccent LLC in the amount of \$50,000.

Building Official Weck stated Xccent has completed the required improvements and they have been inspected he recommends releasing the letter of credit in the amount of \$50,000.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER GOUDGE, TO ADOPT RESOLUTION NO. 10-06-40 A RESOLUTION APPROVING THE RELEASE OF THE LETTER OF CREDIT WITH XCCENT LLC IN THE AMOUNT OF \$50,000.

Voting Aye: Anderson, Elmore, Goudge, Nanko/Yeager and Zerwas.
Voting Nay: None
Absent: None

17 To consider rescheduling the August 3rd, Regular City Council meeting to allow attendance of National Night Out events.

The August 3rd, 2010, regular City Council meeting is rescheduled to start at 5:00 pm August 3rd.

OLD BUSINESS:

11 To consider removing from the table and adopting Resolution No. 10-06-37 a resolution approving a one year extension to May 18, 2011 to Finalize the Development Agreement and file the Final Plats of "Delmonico Park".

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE REMOVING FROM THE TABLE RESOLUTION NO. 10-06-37 A RESOLUTION APPROVING A ONE YEAR EXTENSION TO MAY 18, 2011 TO FINALIZE THE DEVELOPMENT AGREEMENT AND FILE THE FINAL PLATS OF "DELMONICO PARK".

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

Voting Nay: None

Absent: None

Attorney Vierling stated this property already has a mortgage against it. They have storm water ponding issues; drainage and utilities have not been completed. Attorney Vierling can not recommend approving the one year extension to finalize the development. The development should have to start the process from the beginning.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER GOUDGE, TO DENY THE ONE YEAR EXTENSION TO MAY 18, 2011 TO FINALIZE THE DEVELOPMENT AGREEMENT AND FILE THE FINAL PLATS OF "DELMONICO PARK. THE DEVELOPMENT WILL HAVE TO START OVER FROM DAY ONE WITH THE REQUEST OF THE CITY ATTORNEY'S OFFICE.

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

Voting Nay: None

Absent: None

CLAIMS:

18 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of May 19, 2010 through June 1, 2010.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO AUTHORIZING PAYMENT OF RECOMMENDED BILLS AND PAYROLL FOR THE PERIOD OF MAY 19, 2010 THROUGH JUNE 1, 2010.

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

Voting Nay: None

Absent: None

COUNCIL REPORTS:

COUNCILMEMBER GOUDGE – Attended the personnel committee meeting at the Joint Sewer Commission.

COUNCILMEMBER ZERWAS – No report at this time

COUNCILMEMBER ELMORE – No report at this time

COUNCILMEMBER NANKO/YEAGER – Attended the Wyoming Area Library meeting which was discussed in Open Forum. Attended the Rush Line Task Force meeting where they received an update on the remodel of the new depot which will be completed in 2012. The Rush Line has revised the time line for the bus service in St Paul starting in September sometime after Labor Day. Funding will be available for one year in the 2nd year and beyond it will depend on the success of the route and funding. Also attended the Watershed District meeting where Chisago City petition concerning the Sunrise River. The Chisago County Administrator will be meeting with the Chisago County Attorney to discuss a decision sometime

this week. Chisago County will be looking for a new administrator because the current one is about to relocate. Nanko/Yeager also thanked everyone for attending the meeting.

MAYOR ANDERSON – No report at this time.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADJOURN THE JUNE 1, 2010 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:25 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