

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
NOVEMBER 3, 2010
7:00 PM**

CALL TO ORDER:

Acting Mayor Roger Elmore called the Regular Meeting of the Wyoming City Council for November 3, 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: Councilmembers Roger Elmore, Russ Goudge, Linda Nanko/Yeager and Joe Zerwas.
Absent: Mayor Sheldon Anderson

DETERMINATION OF A QUORUM:

The Acting 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”.

Matt Lindgren was present to speak on item #7.

Chris Lindgren stated Jan Johnson-Lebahn was not stating her correct address the address she stated was not an address. C Lindgren also stated that Councilmember Elmore was not an adjacent property owner.

Shelly Elmore (7790 250th Street) a property owner adjacent to the Lindgren property disagrees with allowing a Commercial Business in a Residential zoned neighborhood. Doing this would bring the property value down in the area and outdoor storage is not allowed in the City of Wyoming Ordinances. S. Elmore stated since Lindgren received a violation zoning letter they have continued to take in boats. S. Elmore would like the City Council to follow the recommendation of the Planning Commission and deny the Conditional/Interim Permit for the home occupancy to allow boat storage and repair at this residential zoned area of 7660 250th Street.

Eric Peterson (26189 Galen Ave.) stated Lindgren is willing to compromise and understands planning and is not looking for boat storage at this location. Lindgren is trying to find a new spot for his business. Peterson would like the City Council to give Lindgren a longer time period to continue to look for a place to conduct business.

Jerry Owens (25717 Gramford Ave.) questioned why this Conditional/Interim Use Permit was not taken to the Economic Development Authority. He also questioned why Acting Mayor Elmore was making decisions on the item when he is an adjacent property owner and it would be considered a conflict of interest.

Attorney Vierling stated he had looked into the matter and it was not a conflict of interest for Councilmember Elmore to sit on the City Council during this item.

John Boyer (29173 Karmel Ave, Chisago City) was present and stated he was working with Lindgren to relocate his business to Chisago City. He also would like the City Council to extend to time period in which Lindgren has to move his business.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for October 19, 2010.**

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR OCTOBER 19, 2010.

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

Voting Nay: None

Absent: Anderson

SCHEDULED BID LETTINGS:

- 2 To consider adopting Resolution No. 10-11-61 a resolution Awarding a Contract for the I-35/Kettle River Boulevard Watermain Improvement Project (Wyoming City Project 2010-02 – WSB Project 1688-19).**

Engineer Messner stated bids were publicly received and opened on October 28, 2010. The bid of Redstone Construction Co. in the amount of \$183,018.00, for the construction of the improvements is in accordance with the plans and specification and advertisement for bids and is the lowest responsible bid. The City Council questioned why the bid was higher than the Engineers estimated bid. Engineer Messner stated that smaller quantity jobs are usually bid higher than larger jobs.

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER ZERWAS, TO ADOPT RESOLUTION NO. 10-11-61 A RESOLUTION AWARDING A CONTRACT FOR THE I-35/KETTLE RIVER BOULEVARD WATERMAIN IMPROVEMENT PROJECT (WYOMING CITY PROJECT 2010-02 – WSB PROJECT 1688-19).

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

Voting Nay: None

Absent: Anderson

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.

- 3 To consider adopting Resolution No. 10-11-62 a resolution acquiring easements for installation of water main at 5175 260th Street and authorizing City Staff to make payment in amount of \$6,283.60 to Byron Rieck and record easement documents.**

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

- 4 Report of the Wyoming Police Chief, Paul Hoppe for October 28, 2010**
- 5 Report of City Building Official, Fred Weck, IV for October 29, 2010.**
- 6 Report of City Engineer Mark Erichson, WSB for October 27, 2010**

COMMUNICATIONS:

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE CONSENT AGENDA MOTIONS #3-#6 AS PRESENTED.

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

OLD BUSINESS:

- 7 To consider Resolution No. 10-11-63 a resolution Denying the request for a Conditional/Interim Use Permit - Home Occupation (Boat repair & Storage) at 7660 250th Street as recommended by the Wyoming Planning Commission.**

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO TAKE RESOLUTION NO. 10-11-63 OFF THE TABLE AND TO CONTINUE DISCUSSION.

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

Matt Lindgren stated he is looking at land in Chisago City. He is waiting to get on the agenda in Chisago City to discuss the land for approval. Lindgren is looking at the 1st of the year 2011 for

moving his business to Chisago City. Lindgren stated he has about 6 – 12 boats that are being worked on at the present time.

Building Official Weck stated storage of boats waiting for repair violates the City ordinance. As of last week Lindgren has approximately 40 boats and 5 jet skis stored on the property.

Tim Johnson (25331 West Comfort Drive) stated it's a safety hazard to get to his property. Johnson also stated he was an adjacent property owner and would like to know what type of screening there was going to be. He does not approve of the Conditional/Interim Use Permit.

Sheryl Dickison (894 Sinclair Ave St Paul) stated she's a property owner and apposes granting the permit. Dickison stated they must follow all criteria and environmental studies be met. Dickison has concerns about vandals and theft in the area. Dickison disagrees with a Commercial Business in a Residential area.

Jackie Anderson (25434 East Comfort Drive) stated the property is being assessed at a residential rate and not a commercial rate for property taxes. She also stated the property as not been assessed by the Watershed District. They will assess it when a decision as been made by the Wyoming City Council.

Councilmember Goudge stated he would like to find a way to deal with the issue that would not take Lindgren out of business. Lindgren should relocate the boats to a temporary location until he can move the business to Chisago City.

Councilmember Zerwas stated he is not in favor of the boat storage. But, he does believe Lindgren needs a time frame to relocate the boats. Councilmember Zerwas would like the boats gone in a week and give Lindgren 60 days to move the business.

Councilmember Nanko/Yeager stated home businesses like Lindgren's have been granted before. Nanko/Yeager is not in favor of having the boat storage outside, or having 6 – 12 boats outside waiting for repair. Nanko/Yeager questioned if Lindgren could follow the same guidelines as the permit for Wilcox. Nanko/Yeager would consider the 60 day permit to relocate the business.

Administrator Mattson stated in order for him to function he needs outside storage which is against the City's ordinance.

A MOTION WAS MADE BY GOUDGE, SECONDED BY ZERWAS, FOR LINDGREN TO MOVE ALL BOATS OFF SITE WITHIN TEN (10) DAYS. AND TABLE THE CONDITION/INTERIM USE PERMIT UNTIL JANUARY 2011 WHEN LINDGREN CAN MOVE HIS BUSINESS TO CHISAGO CITY.

MOTION WAS AMENDED

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, FOR LINDGREN TO MOVE ALL BOATS OFF SITE WITHIN SEVEN (7) DAYS.

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

Voting Nay: None

Absent: Anderson

A MOTION WAS MADE BY COUNCILMEMBER GOUDGE, SECONDED BY COUNCILMEMBER ZERWAS, TO DIRECT STAFF NOT TO ENFORCE THE ORDINANCE FOR 60 DAYS AND DURING THE 60 DAYS LINDGREN CAN CONTINUE HIS BUSINESS WITH NO MORE THEN SIX (6) BOATS ON THE WEST SIDE OF HIS SHOP.

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

Voting Nay: None

Absent: Anderson

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ZERWAS, TO TABLE THE CONDITIONAL/INTERIM USE PERMIT - HOME OCCUPATION (BOAT REPAIR & STORAGE) AT 7660 250TH STREET AS RECOMMENDED BY THE WYOMING PLANNING COMMISSION UNTIL THE FIRST CITY COUNCIL MEETING IN JANUARY 2011.

Voting Aye: Goudge, Nanko/Yeager and Zerwas

Voting Nay: Elmore

Absent: Anderson

Acting Mayor Elmore stated he had 30 days to move his business but in that time he has continued building his business since the July 30, 2010 violation letter that he received from the City of Wyoming. Acting Mayor Elmore is not in favor of permitting an Interim Use Permit for that area.

A MOTION WAS MADE BY ACTING MAYOR ELMORE, TO DENY THE INTERIM USE PERMIT FOR LINDGREN.

NO SECOND MOTION FAILED.

NEW BUSINESS:

8 To consider canvassing the General Election results from the November 2, 2010 City Election.

Administrator Mattson stated this motion is to except the election results from November 2, 2010.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE CANVASSING THE GENERAL ELECTION RESULTS FROM THE NOVEMBER 2, 2010 CITY ELECTION.

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

Voting Nay: None

Absent: Anderson

9 To consider establishing some dates and times for City Council Work Sessions to discuss the 2011 Operating Budget of the City of Wyoming.

Administrator Mattson stated the work session is to look at mission, vision and goals for the City. Consensus of the City Council was to have the work session on November 17, 2010 at 2:00 pm.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO APPROVE NOVEMBER 17, 2010 AT 2:00 PM FOR THE CITY COUNCIL WORK SESSIONS TO DISCUSS THE 2011 OPERATING BUDGET OF THE CITY OF WYOMING.

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

Voting Nay: None

Absent: Anderson

CLAIMS:

10 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of October 20, 2010 through November 3, 2010.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER GOUDGE, TO AUTHORIZING PAYMENT OF RECOMMENDED BILLS AND DGPAYROLL FOR THE PERIOD OF OCTOBER 20, 2010 THROUGH NOVEMBER 3, 2010.

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

Voting Nay: None

Absent: Anderson

COUNCIL REPORTS:

COUNCILMEMBER GOUDGE – No report at this time

COUNCILMEMBER ZERWAS – No report at this time

ACTING MAYOR ELMORE – No report at this time

COUNCILMEMBER NANKO/YEAGER

Watershed District - Work has begun on the Sunrise River Water Quality and Flowage project with the district's engineers presenting background information on the project area and information regarding their firm's experience in wetland treatment and stream restoration. The goal is to give the managers ideas and options for the project. The watershed district plans to schedule meetings with Wyoming, Forest Lake, Washington and Chisago Counties to discuss the scope of the project.

Library 5 year anniversary – We now have a firm date for the library's anniversary celebration. It will take place on December 4, 2010, 11:00 am – 1 pm. There will also be an essay contest, "Why I love Wyoming Library" for children in grades 1 – 12. The winners will receive a \$50 US Savings Bond. Entry forms are available at the library and are due back by 5 pm on November 21, 2010.

Rush Line Event – There will be a Route 285 (St Paul bus) Customer Appreciation event on November 10, 2010 at the Columbus (Running Aces) and Forest Lake (Transit Center) park and rides. Task force members and staff will be greeting riders with coffee, hot chocolate, bagels and muffins before the riders board the bus. The times are: Columbus 5:30 am to 7:17 am and Forest Lake 5:45 am to 7:30 am.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADJOURN THE NOVEMBER 3, 2010 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:05 P.M.

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

Voting Nay: None

Absent: Anderson

_____, Deputy Clerk