

**APPROVED MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
APRIL 21, 2015  
7:00 PM**

**CALL TO ORDER:**

*Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for April 21, 2015 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 Eric Peterson, Linda Nanko/Yeager, Claire Luger, and Lisa Iverson  
ABSENT: Joe Zerwas*

*Also Present: Mark Vierling, Eckberg Lammers, Craig Mattson, City Administrator, Robb Linwood-Assistant City Administrator, Fred Weck – Building Official/Zoning Administrator, Jason Windingstad – Public Works Superintendent, and Mark Erichson, WSB– City Engineer*

**DETERMINATION OF A QUORUM:**

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

***Bob Bohnen – 7375 Lake Blvd** – Had questions in regards to Lakes area canvas. Spoke about that he had a stop permit order on a porch. Wants to know if Lakes Canvas had a building permit for the changes they did to the building. Questioned why zoning was changed around his property. Believes he could not change the zoning on his property.*

***Building Official/Zoning Administrator Weck** – The property was in Highway Business and then changed to Commercial when the merger happened. The name changed but the zoning did not, boats were allowed in the Highway business district. We did have a boat sales facility at one point and time on Greenway and Highway 8. Mr. Bohnen has not provided any application for a zoning change to his property.*

*“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”.*

**APPROVAL OF MINUTES:**

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for April 7, 2015.**

**A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR APRIL 7, 2015 AS AMMENDED.**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson  
Voting Nay: None*

Abstain: None

## **SCHEDULED BID LETTINGS:**

2. To consider adopting **Resolution No. 15-04-21** a resolution receiving bids and awarding a contract for the 2015 Street and Utility Improvement Project (City Project No. 15-01)

**City Engineer Erichson** - We did receive a significant level of interest on the bids. We did receive 4 bids that were opened on April 14<sup>th</sup>, 2015. Low bidder A-1 Excavating of Blumer, WI at \$4,041,593.35. Explained the different portions of the bid. Believes assessments will be very close to the levels that we identified in the feasibility study.

**Council Member Iverson** – Asked if we receiving a good product based on specifications and the low bidder.

**City Engineer Erichson** – We updated our city specification for this project and that is our job to assure that this product is done to our standards.

**Council Member Nanko/Yeager** – Has concerns on the products that are being used. Wants to make sure the materials that are provided and make sure we don't have poor workmanship. Does A-1 have a warranty? Wanted to know about the contractor. When will work start?

**City Engineer Erichson** – We have specifications that should make sure we meet compaction, MN/DOT specs are met and we use super pave, which is the best product that is known today. We will continually have inspectors monitoring and testing on the project. The City of Wyoming requires a 2 year warranty. Has talked to many contractors, peers and coworkers that say that A-1 is very reputable, no negative feedback to date. Pre-construction meeting will take place next Wednesday and would begin construction in the week of May 4<sup>th</sup>. WSB will be sending out a newsletter to residents about the project.

**A MOTION WAS MADE BY IVERSON SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION NO. 15-04-21 A RESOLUTION RECEIVING BIDS AND AWARDING A CONTRACT FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (CITY PROJECT NO. 15-01)**

Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson

Voting Nay: None

Abstain: None

## **SCHEDULED PUBLIC HEARINGS:**

### **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.

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

3. Report of the Public Safety Director, Paul Hoppe for April 15, 2015
4. Report of City Building Official, Fred Weck, IV for April 15, 2015.
5. Report of City Attorney Mark Vierling for April 15, 2015.
6. Report of City Engineer Mark Erichson, WSB for April 15, 2015.

7. Report of Wyoming Public Works Supt., Jason Windingstad for April 15, 2015.

**Item #4 pulled for further consideration by Councilmember IVERSON**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER IVERSON, TO APPROVE CONSENT AGENDA ITEM #3 AND #5 THROUGH #7 AS PRESENTED.**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay:*

**RECONSIDER ITEM #4**

**Council Member Iverson** - Thanked Mr. Weck for his report – Wanted to know more details on the work being done on Spirit and Praise Church, Dairy Queen and SRC

**Building Official Weck** – **Spirit and Praise** is working on Fire alarm system and final work. , **Dairy Queen** is progressing and almost final, had some minor corrections.

**SRC** – He has not spoken with SRC for almost 6 months they had some minor corrections and are yet to complete a brick wainscoting that goes across the front of the building

**A MOTION WAS MADE BY COUNCILMEMBER IVERSON, SECONDED BY COUNCILMEMBER LUGER, TO APPROVE CONSENT AGENDA ITEM #4 AS PRESENTED.**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay:*

**COMMUNICATIONS:**

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

8. To consider adopting **Resolution No. 15-04-22** a resolution receiving quotation and authorizing the direct purchase of pumps for the Railroad Lift Station as part of the 2015 Street and Utility Improvement Project (City Project No. 15-01) in the amount of **\$41,242.35**

**City Engineer Erichson** – We took this out of our bid package and went out for direct quotes. That worked out well and we feel comfortable with the price of the pumps. They are less than we identified in our feasibility study.

**Council Member Nanko/Yeager** – Questioned where the money for these items will be coming from.

**Administrator Mattson** – Purchase is not due tonight, we do have cash on hand, we will be selling bonds on May 5th and will be advised when the money will be available then. The pumps will not be delivered for 10 to 12 weeks.

**Council Member Iverson** – Wanted to know if we have used the company in the past?

**City Engineer Erichson** – Yes almost all of the pumps we have are from this company. This pump works well with our system and have knowledge with them.

**A MOTION WAS MADE BY LUGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE RESOLUTION NO. 15-04-22 A RESOLUTION RECEIVING QUOTATION AND AUTHORIZING THE DIRECT PURCHASE OF PUMPS FOR THE RAILROAD LIFT STATION**

**AS PART OF THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (CITY PROJECT NO. 15-01) IN THE AMOUNT OF \$41,242.35**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay: None*

*Abstain: None*

9. To consider adopting **Resolution No. 15-04-23** a resolution receiving quotation and authorizing the direct purchase of control panel and submersible lift state controls for the Railroad Lift Station as part of the 2015 Street and Utility Improvement Project (City Project No. 15-01) in the amount of **\$42,039.00**

**City Engineer Erichson** – *The purpose for this is similar to the last, we want consistent equipment with the submersible controls and with the operating controls for the scada system. We did receive quotes and our recommending direct purchase of this item as stated in the resolution*

**Council Member Iverson** – *Are they the only company that has these products or because we have their products? We have warranty on the items as well?*

**City Engineer Erichson** – *They have the same software and the same products we have elsewhere and it works well for integration. Mr. Erichson believed the pumps warranty is 5 years, and the control panel is 2 years.*

**A MOTION WAS MADE BY IVERSON SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION NO. 15-04-23 A RESOLUTION RECEIVING QUOTATION AND AUTHORIZING THE DIRECT PURCHASE OF CONTROL PANEL AND SUBMERSIBLE LIFT STATE CONTROLS FOR THE RAILROAD LIFT STATION AS PART OF THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (CITY PROJECT NO. 15-01) IN THE AMOUNT OF \$42,039.00**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay: None*

*Abstain: None*

10. To consider adopting **Resolution 15-04-24** a resolution approving a site plan application to allow the construction of a 2,240 square foot addition at 24226 Greenway Avenue

**Building Official Weck** – *Autowerks is doing a 2,222 sq. ft. addition. Planning Commission approved and required some conditions. Ordinance requires that the new addition meets the architectural standards that have been adopted. The applicant is asking that the addition is the same as the existing building. They would have to add wainscoting and some shrubberies. The planning commission opted for the shrubberies to be planted around the building. Planning commission recommended approval. The city can regulate the appearance*

**Council Member Nanko/Yeager** – *Question if the applicant can have a pole barn construction. Does not believe that in the architectural standards that shrubbery should be an option.*

**Building Official Weck** – *Yes, we can't regulate if it is a pole building, but we can regulate the appearance*

**Mayor Peterson** – *Planning Commission believed that having the wainscoting on the new portion of building would look odd. They are adding a shrubbery as well.*

**Council Nanko/Yeager** – *Believes that we need to follow the rules of the code. They need to be applied consistently.*

**Mayor Peterson** – Stated are looking at an addition and applying the rules would detract from the building as a whole.

**Council Member Nanko/Yeager** – Suggested that we need to adhere to the ordinance and if we allow a pole barn to go in that it will set a precedence.

**Council Member Iverson** – Thinks it's great he can expand, he is a great business owner in the city. Has gone back and forth on this. Her concerns are that if we say yes to Autowerks are we going to have other businesses allowed to do the same. Question of the ordinance needs to be looked at for additions.

**Building Official Weck** – Each application is looked at on its own merits, we are not necessarily looking at a precedence

**Council Member Nanko/Yeager** – Legally it may be fine, but feels she may have to tell a resident different that was previously allowed it may cause problems. Other concern was that since shrubs are being used, shrubs die. Would like to see 4 foot shrubs. Would like to amend the resolution under #1 and change to 4 foot shrubs to be centered and be planted on the east and south wall of the addition.

**A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO DIRECT THE PLANNING COMMISSION REVIEW THE ARCHITECTUAL STANDARDS DIVISION 5, ARTICLE 5, 6 and & 7 TO EVALUATE SHRUBBERY SCREENINGS FOR ARCHITECTUAL STANDARDS IN EXISTING BUILDINGS AND NEW ADDITIONS**

Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson

Voting Nay: None

Abstain: None

**A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION NO. 15-04-24 A RESOLUTION APPROVING A SITE PLAN APPLICATION TO ALLOW THE CONSTRUCTION OF A 2,240 SQUARE FOOT ADDITION AT 24226 GREENWAY AVENUE WITH AN AMENDMENT TO CHANGE #1 TO 4 FOOT HIGH SHRUBS AND FOR THE SHRUBS TO BE EVERY 4 FOOT CENTERED AND PLANTED ON THE EAST AND SOUTH WALL OF THE ADDITION**

Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson

Voting Nay: None

Abstain: None

**11. To consider adopting Resolution 15-04-25 a resolution approving an interim Conditional Use Permit to allow the operation of the "Dirty Girl 5K Mud Run" obstacle course race event as a commercial outdoor recreational activity at the Pinehaven Tree Farm site located at 28186 Kettle River Boulevard on August 1, 2015**

**Building Official Weck** – Similar to the Hard Charge event at the same location. This is Females only 5k. Conditions are the similar as the Hard Charge Event. The Planning Commission recommended approval with conditions # 1 – 9.

**Council Member Iverson** – Had questions and concerns about traffic off of Kettle River Blvd.

**Building Official Weck** – A Police Officer will regulate the traffic all day or the duration of the event.

**Council Member Nanko/Yeager** – Asked if conditions 1 – 9 were the same as Hard Charge?

**Building Official Weck** – Yes, they are very similar.

**Council Nanko/Yeager** - Asked how much would be donated to the Charity. Secondly, if the even becomes successful would they have to apply for another intern permit?

**Building Official Weck** - \$75,000 for the duration of the season. Yes they would have to apply for another permit annually.

**Council Member Iverson** – Suggested that the women council members run the obstacle course.

**A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION NO. 15-04-25 A RESOLUTION APPROVING AN INTERIM CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF THE “DIRTY GIRL 5K MUD RUN” OBSTACLE COURSE RACE EVENT AS A COMMERCIAL OUTDOOR RECREATIONAL ACTIVITY AT THE PINEHAVEN TREE FARM SITE LOCATED AT 28186 KETTLE RIVER BOULEVARD ON AUGUST 1, 2015**

Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson  
Voting Nay: None  
Abstain: None

12. To consider adopting **Resolution No. 15-04-26** a resolution approving an agreement between the City of Wyoming and the Minnesota Department of Transportation for a Traffic Control Signal Maintenance Agreement for the signal system located at Trunk Hwy 8 and Greenway Avenue

**Public Works Superintendent Windingstad** – This is for the semaphore at Greenway Ave and Hwy 8. Back in 1991 there was a maintenance agreement between the Former Township and MNDOT. MDOT has asked that the agreement be put in the City of Wyoming’s name. We will still take care of the same maintenance items as in the previous agreement, LED’s and maintenance of box

**Council Member Nanko/Yeager** – No changes in the agreement other than the name from Township to City.

**Public Works Superintendent Windingstad** - Correct

**A MOTION WAS MADE BY LUGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE RESOLUTION NO. NO. 15-04-26 A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WYOMING AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR A TRAFFIC CONTROL SIGNAL MAINTENANCE AGREEMENT FOR THE SIGNAL SYSTEM LOCATED AT TRUNK HWY 8 AND GREENWAY AVENUE**

Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson  
Voting Nay: None  
Abstain: None

13. To consider adopting **Resolution No. 15-04-27** a resolution approving “Payment Pay Voucher #5” to Dressel Contracting Inc. for the Greenway Avenue Improvement Project (WSB Project 1688-91)(City Project 13-01) in the amount of \$68,122.51

**City Engineer Erichson** – Has been working with the contractor for this payment and we will have one final payment when work is completed. We are recommending payment #5 for the amount of \$68,122.51

**Council Member Iverson** – The curbs on the commercial area of the project are not good and

has heard complaints from businesses.

**City Engineer Erichson** – Has heard the complaints and the project was done up to MN DOT state standards. The second wear course should minimize the bump. It would be extremely expensive to rip the accesses out at this point and time. We will continue to review the project once the second wear course is put on.

**A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE RESOLUTION NO. NO. 15-04-27 A RESOLUTION APPROVING “PAYMENT PAY VOUCHER #5” TO DRESSEL CONTRACTING INC. FOR THE GREENWAY AVENUE IMPROVEMENT PROJECT (WSB PROJECT 1688-91)(CITY PROJECT 13-01) IN THE AMOUNT OF \$68,122.51**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay: None*

*Abstain: None*

### **CLAIMS:**

**14. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of April 8, 2015 through April 21, 2015.**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO CONSIDER AUTHORIZING PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF APRIL 8, 2015 THROUGH APRIL 21, 2015.**

*Voting Aye: Luger, Nanko/Yeager, Peterson, and Iverson*

*Voting Nay: None*

*Abstain: None*

### **COUNCIL REPORTS:**

**COUNCILMEMBER NANKO/YEAGER-** Whenever there is a transportation forum we bring up Hwy 8. Joe Triplett pushed for Hwy 8 and the study that was completed is now almost stale. The state does not have any money right now for the project. Followed up with Rick Olseen on the project and she has heard how cost effective the project is and how good it will be for economic development. We have no earmark for the project now. Representative Nolan went after a Tiger grant and it was not a type of project for that grant.

***Attended Rush line policy advisory committee*** - Suggested having a table at the forest lake farmers market. Committee asked for input on roots for service: Appears to be two focuses from White bear to north to Forest Lake are commuter services and White bear to St. Paul are all day services.

***Attended Sewer Commission meeting*** – Chisago lakes school district will address transferring from the Andrews lift station land at next meeting. Work on Lindstrom lift station will hopefully be done by June. The plant gives off too much ammonia and 5 options were presented by the plant engineer. All involved increased costs, and only two may work. Looked over draft email notice on the development of a connection policy, updates on our permit from state, approved purchase of replacement pump and no trespassing signs, and looked at a solar garden on the property.

***Attended Board of Equalization*** – No residents present

*Thanked everyone for coming.*

**COUNCILMEMBER J.ZERWAS** – Absent

**COUNCILMEMBER LUGER** – Attended the EDA Meeting – 2 main things discussed: Approving the Bingham property delineation at a cost \$950 dollars. The 2<sup>nd</sup> item that was discussed was a hotel study, the initiative foundation will provide hotel studies grant matches up to \$5,000

**COUNCILMEMBER IVERSON** – Attended the Legislation breakfast and it was awesome. Attended Planning Commission in regards to Solar Gardens and thanked planning commission for their work.

**MAYOR PETERSON** – Attended Planning Commission meeting and they do continue to work on Solar Gardens and other items that were on the agenda tonight. Would like to invite everyone to the Wyoming Creative Arts on Thursday at 6:00pm

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON ADJOURN THE APRIL 21, 2015 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR SESSION AT 8:11pm**

Voting Aye: Nanko/Yeager, Peterson, Luger and Iverson

Voting Nay: None

Abstain: 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.**

**NEXT**  
**REGULAR MEETING**  
**MAY 5, 2015**  
**7:00 PM**