

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MAY 3, 2016
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for May 3, 2016 to order at 7:00P.M.

CALL OF ROLL:

On a Call of the Roll, the following members of the Wyoming City Council were present: Mayor Eric Peterson, Councilmembers Linda Nanko/Yeager, Claire Luger, Joe Zerwas and Lisa Iverson.

Absent: NONE

Also Present: Mark Erichson, City Engineer WSB, Amanda Schlitz, City Attorney Eckberg Lammers, Fred Weck, Zoning Administrator/Building Official, Paul Hoppe, Public Safety Director, Marty Powers, Public Works Superintendent, Robb Linwood, Assistant City Administrator, and Craig J. Mattson, City Administrator.

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”.

Don Jensen Paxmar – Land Development Director Paxmar – Provided documents regarding their potential development. Mr. Jensen asked the city council pass a resolution at a future meeting for a show of support in their project. Mr. Jensen said it would be helpful if they could provide their lender with the document and shared that the developer may rezone the property soon. He thanked the council for their time.

Danielle Grosz-Heider - 24505 Holm Oak Ave – Ms. Grosz-Heider explained that they would like to stop the development of the Liberty Ponds Park. She does not feel there is a need to development this park. In addition, she does not believe the park needs a shelter or any other amenities and believes the park should be left natural. She asked about the park board budget for this project. She would be in support of a survey of Liberty Ponds residents for the park.

Council Member Nanko/Yeager – Asked what the current budget is for the park board?

Staff - suggested that residents complete a survey on the best use for the development of the park and believe this would be good information.

Council Member Iverson – Asked if council could review the survey before it was sent out to residents.

Council Member Luger – The developer donated this land to the city for the specific development of

a park. At the park board meeting on May 2, 2016 residents had questions regarding the cost and resident use. The park board re-affirmed that there would not be a cost to Liberty Ponds residents and that they would be open to residents input. There is not enough room at the park to support recreational use. At this time, all that is being done is some cleanup of invasive weeds and dead trees.

John Haider 24505 Holm Oak Ave– Does not believe that a park should be developed in Liberty Ponds and would like to see it remain natural.

Greg Cardinal- 25614 Goodwin Rd. – Asked about the current state of roads in his area and if the city had plans to repair them.

Mayor Peterson – Explained that the council is still reviewing the roads in that area

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for April 19, 2016.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR APRIL 19, 2016 AS PRESENTED

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

Voting Nay: None

Abstain: 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 approve a correction on a motion for Agenda Item #8 to reflect the correct voting summary of the City Council Members at the January 19, 2016 regularly scheduled Wyoming City Council Meeting.
3. To consider the **LG230 Application of the Lakes Area Youth Service Bureau, Inc.** 244 North Lake Street, Forest Lake, MN to conduct gambling raffle on July 13th, 2016 at Split Rocks Entertainment Center 5063 273rd Street, Wyoming, MN 55092
4. To consider **Resolution 16-05-26** a resolution declaring the public safety department items of confiscated property and authorizing the public safety department to dispose of the items through public auction - disposal process or bids from local FFL dealers for firearms.

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

5. Report of the Public Safety Director, Paul Hoppe for April 27, 2016
6. Report of City Building Official, Fred Weck, IV for April 28, 2016
7. Report of City Attorney Mark Vierling for April 28, 2016
8. Report of City Engineer Mark Erichson, WSB for April 28, 2016

A MOTION WAS MADE BY COUNCILMEMBER IVERSON SECONDED BY COUNCILMEMBER NANKO/YEAGER TO APPROVE CONSENT AGENDA ITEMS #2 THOROUGH 3, 5, 7 and 8 AS PRESENTED

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

Voting Nay: None

Abstain: None

COUNCIL MEMBER NANKO/YEAGER PULLS ITEM #6

Council Member Nanko/Yeager – *Questioned what happens if residents do not comply with septic tank pumping?*

Building Official Weck – *We only have about two properties that are non-compliant in the whole city. If it was necessary, the city could go in, pump the properties, and charge the property owner.*

Council Member Iverson – *Asked about final inspections and the process, who contacts for inspection.*

Building Official Weck – *Stated that the contractor would call for inspections when they have completed their work*

COUNCIL MEMBER IVERSON PULLS ITEM #4

Council Member Iverson – *asked if the AED, Movies and Hello Kitty bag on the list could be donated to a nonprofit?*

Public Safety Director Hoppe – *Since this property coming out of the property room was seized, we need to follow the statutory obligation of decommissioning the property. We can donate the AED to someone since the department owns that, but it does need a new battery.*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO CONSENT AGENDA ITEMS #4 AND #6 WITH A REVISION IN RESOLUTION 16-05-26 OF DONATING THE WYOMING POLICE DEPARTMENTS USED AED

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

Voting Nay: None

Abstain: None

COMMUNICATIONS:

OLD BUSINESS: NONE

NEW BUSINESS:

9. To consider **Resolution 16-05-27** a Resolution approving ordinance No. 2016-01 an ordinance amending the city of Wyoming code of ordinances, chapter 40, article VII, division 14, creating a tree replacement fund and rules for the administration of the tree replacement fund.

Building Official Weck– The ordinance that created the fund was the township's back in 2005. The fund is used when trees or woodlands are removed beyond their permitted thresholds. The fund should be administered by the city council to purchase or maintain trees on public property by programs, landscaping tools, equipment, preservation or restoration.

Council Member Nanko/Yeager – What type of landscaping materials, tools and equipment?

Building Official Weck – Examples would be mulch, tree bases for protection, stakes used for straightness. This would include things like pruners, tree-trimming devices anything specific to the trees. It is at the discretion of the city council what types of equipment is purchased out of this fund.

Council Member Iverson – Asked if the park board made a recommendation for a purchase if it would it come back to council.

Building Official Weck – Correct, currently there is no money in the fund

A MOTION WAS MADE BY COUNCILMEMBER PETERSON SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE RESOLUTION 16-05-27 A RESOLUTION APPROVING ORDINANCE NO. 2016-01 AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 40, ARTICLE VII, DIVISION 14, CREATING A TREE REPLACEMENT FUND AND RULES FOR THE ADMINISTRATION OF THE TREE REPLACEMENT FUND.

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

Voting Nay: None

Abstain: None

10. To consider **Resolution 16-05-28** a Resolution receiving the feasibility report, setting the public hearing and authorizing the preparation of plans and specifications for the 2016 street reconstruction project (city project no. 16-01)

City Engineer Erichson – Presented a PowerPoint presentation on the proposed street project, reconstruction of the area, potential costs and assessments, ditch changes, drainage and timeline of events of the project.

Council Member Nanko/Yeager – Asked if the reconstructed streets would remain at 24 ft. in width?

City Engineer Erichson – Yes, they would maintain the existing 24-foot roadways.

Council Member Nanko/Yeager – Asked the current balance of Surface Water Fund

City Administrator Mattson - \$83,000 currently

Council Member Nanko/Yeager – asked what the costs would be to pave the parking lot at Banta Park

City Engineer Erichson – Approximately \$17,000

Council Member Nanko/Yeager – Could we accept the resolution and have a different funding source for the parking lot?

City Engineer Erichson – Yes, nothing would be set in stone as far as funding sources by passing the resolution.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 16-05-28 A RESOLUTION RECEIVING THE FEASIBILITY REPORT, SETTING THE PUBLIC HEARING AND AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE 2016 STREET RECONSTRUCTION PROJECT (CITY PROJECT NO. 16-01)

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

Voting Nay: None

Abstain: None

11. To consider a “Solicitation Permit” for ProTech Restoration, 1355 Geneva Avenue N., Suite 210 Oakdale, MN 55128 for May 9, 2016 to November 30, 2016 from 10:00a.m. To 8:00p.m.

Council asked about some of the time discrepancies in the times requested on the solicitation permits. Staff explained it was two different groups from the same company. Staff stated that in the past council has allowed solicitation hours of 10:00am to 6:00pm.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE THE “SOLICITATION PERMIT” FOR PROTECH RESTORATION, 1355 GENEVA AVENUE N., SUITE 210 OAKDALE, MN 55128 FOR MAY 9, 2016 TO NOVEMBER 30, 2016 FROM 10:00A.M. TO 6:00P.M.

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

Voting Nay: None

Abstain: None

12. To consider **Resolution 16-05-29** a Resolution awarding Breitbach Auto with a contract for providing vehicle repair and maintenance services for the Public Safety and Building Safety departments

Mayor Peterson – Suggested that he prefers the current practice of giving many different businesses in the city business for vehicle repair and maintenance.

Public Safety Director Hoppe – We use a multitude of vendors in the community and we have some specialty vendors for vehicle maintenance and repair as well. We do our due diligence of watching costs for these services.

Council Member Nanko/Yeager – Stated that Berry’s Garage comes in less expensive on vehicle maintenance services than other vendors, but they had an incomplete questionnaire.

Public Safety Director Hoppe – Explained that they do not use different vendors for every different service. We use Berry’s for fire vehicles and Breitbach’s for police vehicles. We do not want to have different vendors working on one specific piece of equipment on a vehicle because it can lead to vendors pointing fingers at each other on work completed or not completed

Council Member Nanko/Yeager – Was suggesting that there are less expensive options at many vendors.

Council Member Iverson – Suggested that one main reason for an RFP was for the best possible price. Several businesses in the community are not receiving business from the city. Some of

the businesses that responded to this could have not understand that we would receive business for a duration of 2 to 3 years. Vendors may have not put out their best possible price, just their public prices and may have answered differently had they known they would get the business over a duration of time.

Public Safety Director Hoppe – *A copy of the RFP and letters were sent or made available to every vehicle repair and vehicle maintenance shop in the city.*

Council Member Luger – *Was the purpose of the RFP articulated. What are the discount prices on parts at Brietbachs.*

Public Safety Director Hoppe – *Yes it was articulated and a parts discount was not applicable*

Council Member Iverson – *Asked if Mr. Hoppe was changing his recommendation on the RFP?*

Public Safety Director Hoppe – *No, Brieitbachs provides the best services for the city and reasonable prices if we were to use a sole vendor. They were deemed the low responsible bidder. It is up to the city council if they want a sole vendor or if they would like to have staff manage the vehicles as status quo.*

A MOTION WAS MADE BY MAYOR PETERSON SECONDED BY COUNCILMEMBER LUGER TO HAVE THE PUBLIC SAFETY DEPARTMENT AND BUILDING SAFETY DEPARTMENT TO STAY WITH THE CURRENT PRACTICE OF USING DIFFERENT VENDORS IN THE CITY OF WYOMING FOR VEHICLE REPAIR AND MAINTENANCE

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

Voting Nay: Zerwas

Abstain: None

A MOTION WAS MADE BY COUNCILMEMBER _____ SECONDED BY COUNCILMEMBER _____ TO APPROVE RESOLUTION 16-05-29 A RESOLUTION AWARDDING BREITBACH AUTO WITH A CONTRACT FOR PROVIDING VEHICLE REPAIR AND MAINTENANCE SERVICES FOR THE PUBLIC SAFETY AND BUILDING SAFETY DEPARTMENTS

CITY COUNCIL TOOK NO ACTION ON RESOLUTION 16-05-29

13. To consider **Resolution 16-05-30** a Resolution awarding Dan's Towing with a contract for providing towing services to the City of Wyoming

Public Safety Director Hoppe – *We need some security with tow truck drivers accessing our impound lot. The company needs to be careful with the possibility of damage to vehicles. We pay the tow company for their services and then pass the costs back to the owner of the vehicle. We are more selective on this bid, we did have two local companies interested in providing services and had three total vendors put in for the bid. We are recommending Dan's Towing as low responsible bidder for this contract.*

Council Member Nanko/Yeager – *Have we spread around this service like vehicle maintenance and why a contract?*

Public Safety Director Hoppe – *No we have not, we have used one vendor. We put out the contract due to a few vendors in town showing interest and we are revisiting this service every 3 years for bid and contracts*

Council Member Nanko/Yeager – Similar to our lawn mowing contracts.

Public Safety Director Hoppe – Correct.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 16-05-30 A RESOLUTION AWARDING DAN'S TOWING WITH A CONTRACT FOR PROVIDING TOWING SERVICES TO THE CITY OF WYOMING

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

Voting Nay: None

Abstain: None

CLAIMS:

14. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of April 20, 2016 through May 3, 2016.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF APRIL 20, 2016 THROUGH MAY 3, 2016

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER – *attended both the public information meeting for the proposed street project and the Park Board meeting. Thanked everyone for coming*

COUNCILMEMBER ZERWAS – *No Report*

COUNCILMEMBER LUGER – *Attended the Park Board meeting and had another visit from an Eagle Scout member that will be cleaning up the trail in Hawk Meadows and doing some work to the gazebo. Park Signage is being constructed; we should receive the signage in the near future.*

COUNCILMEMBER IVERSON – *No report*

MAYOR PETERSON – *Attended Planning Commission Meeting*

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS, SECONDED BY COUNCILMEMBER IVERSON, TO ADJOURN THE MAY 3, 2016 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:15P.M.

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

Voting Nay: None

Abstain: None