

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JULY 15, 2014
7: 00PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for July 1, 2014 to order at 7:02 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, Roger Elmore, Steve Zerwas and Joe Zerwas

ABSENT: NONE

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

DETERMINATION OF A QUORUM:

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 Waller 28480 Forest Blvd** – Asked question regarding agenda and when it may change or why it had changed prior to the meeting*

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 1, 2014.**

A MOTION WAS MADE BY S. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 1, 2014 AS PRESENTED.

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

- 2 To consider **Resolution 14-07-51** a resolution ordering improvements to various areas within the city of Wyoming, Minnesota Under Minnesota State Statutes, Chapter 429, and authorizing the preparation of plans and specifications for such improvements

City Engineer Erichson – Presented an overview of the Streets project and improvements to be made.

Mayor Peterson – Does not have any questions at this time.

Council Member Steve Zerwas – No questions.

Council Member Elmore – No questions.

Council Member Nanko/Yeager – Believes only difference from the previous project is a 2% increase across the board in costs.

City Engineer Erichson – That is based on pricing that has been fluctuating. We did put in a 2% increase.

Council Member Joe Zerwas – Has a question when would phase 2 of the street reconstruct would begin and how would it be financed.

City Engineer Erichson – Capital Improvements plan by 5 to 10 years.

Council Member Nanko/Yeager - Suggested the second phase was originally identified as the 2016 project based on a capital improvement plan

City Administrator Mattson – The condition of the roads is what will guide us and establish our priorities as we move forward. Your priorities in your system do have the ability to shift.

Council Member Joe Zerwas – Could the area on the west side of the freeway just be done with mill and overlay?

Administrator Mattson – We may have some more substantial work there, soils, sewer and drainage problems.

City Engineer Erichson – Pavement preservation is always necessary to make sure we take care of what we have, key component.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER S. ZERWAS TO OPEN THE PUBLIC HEARING AT 7:25 PM

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: None

OPEN PUBLIC HEARING

Paul Leick 27035 Flintwood Circle – Flintwood Circle needs some new streets. He wants to make sure his neighbors get a new road

City Attorney Vierling – You must approve the project by 4/5ths vote, once the improvement hearing is passed you will have the ability to go to referendum or use assessments.

Dan Babbit – Glen Oak Drive – Not sure why we are looking at Resolution 52. You picked the day and the vote, lost 60% to 40%, it was not close. It was voted on once already and would like to see the streets move forward using assessments.

Council Member Steven Zerwas – It went down last year but he believes the community did not fully understand the financing in place.

Mayor Peterson – The amount going into the street fund may not do every road in the city in 40 years. In 2017 we have the first phase of Polaris's tax base coming on line. We will always have to make adjustments.

City Administrator Mattson – You must also look at your audit report and see when we will be having debt being paid off.

Bob Bohnen – Hwy 8 – Would like to see Roads, get the roads accomplished.

Brian Thorpe 26918 Felton Ave – If the council chooses assessments questioned if he would have to pay for water and sewer upgrades.

City Administrator Mattson – In most cases we pay the sewer and water upgrades out our revenue funds

Council Member Joe Zerwas – Why must the ballot have a tax increase in the language on the ballot?

City Attorney Vierling – That is what the Minnesota state statute requires.

Jerry Owens 25157 Gramford Ave. – First of all we are getting off track – we are talking about what happens if the product is approved. Yes the referendum was turned down by a postcard using scare tactics did not help. If a referendum fails another one can come back, the school district is doing it. Even though you have money in a fund, do large projects, not just little projects.

Nancy Bergum – This isn't what we are talking about but I try to bike on these streets. Believes that buses and garbage trucks are impacting the roads and doing a large amount of damage.

Lisa Iverson – 25675 Goodwin Road – Grown up in Wyoming – Supports the community. Please put this to rest and don't have another vote. The residents told you please assess.

Steve Sicheneder – 266th Ct. – Everyone knows the roads have to be done. No one has enough money to do all the roads. The council made an assessment policy let's use it and move on.

Craig Carpenter – Forest Lake, MN - Owns 4 houses in the city and he is confused, believes that everyone benefits from the roads. Believes that all residents should pay for them.

Neil Reiver – 26479 Hale Ave – We don't use any of the roads that are in the plan. Many people in the community that have never used those roads. Thanked Council Member Nanko/Yeager

Jerry Parker 7717 250th St — He lives on a dirt road and he is happy for that road, feels that he shouldn't pay for the streets in town. Does not think it is fair and he should not be responsible for improving other people's streets

Mayor Peterson – Either you're assessing or paying in the street fund.

Don Waller – 28480 Forest Blvd – Had election last year, saw the results, really no difference between any elections. We should respect the citizens of the community and should have the 20% assessments and move forward. Assessment rates throughout the metro are increasing.

Ken Anderson – 263rd Glen Oak Drive – Talked about bringing the community together. When he thinks of the city, we have new developments and those people paid for those streets as part of their costs. Would like to see the people pay for their own roads.

Richard Arras – Everton Circle – Urges Council to vote for Resolution 53.

Council Member Steve Zerwas – What we did with the street fund plan was an attempt to be as fiscally responsible with tax payer dollars as we could. We tried to help the people that were on fixed incomes. We tried to come up with a funding method and get the roads done.

Sherry Pratt – Lives on the west side on Everton Circle – Was assessed years ago for my street. Wants to be proud of the city, wants to just get something done.

Rodney Hestekin – When we put the streets in the 70's we assessed. Wants to see assessments so the projects speed up more quickly. Don't think it is fair to assess people that live on dirt streets, ones that live on county roads, and state roads.

George Rendl 2690 Finley Ave – Would like to see something get done, the roads are terrible in this town, no secret to anyone. If I don't have to pay anything that's better, if we do so be it. Just do something with the streets.

Nancy Spangler 258th St – We already had a vote for a special election. There was a lot of information and they did not chose to vote it goes to the people who showed up and voted for it.

MOTION TO CLOSE PUBLIC HEARING

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER J. ZERWAS TO CLOSE THE PUBLIC HEARING FOR AT 8:45PM

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: None

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ELMORE TO APPROVE RESOLUTION 14-07-51 RESOLUTION ORDERING IMPROVEMENTS TO VARIOUS AREAS WITHIN THE CITY OF WYOMING, MINNESOTA UNDER MINNESOTA STATE STATUTES, CHAPTER 429, AND AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: 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 approving the contract for the Fireworks Program at Stagecoach Days on Saturday, September 13th, 2014 with RES Specialty Pyrotechnics, 21595 286th Street, Belle Plaine, MN 56011 at a cost of \$6,000

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

- 4 Report of the Public Safety Director, Paul Hoppe for July 10, 2014
- 5 Report of City Building Official, Fred Weck, IV for July 10, 2014.
- 6 Report of City Attorney Mark Vierling for July 11, 2014
- 7 Report of City Engineer Mark Erichson, WSB for July 10, 2014
- 8 Report of Wyoming Public Works Supt., Jason Windingstad for July 9, 2014

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER NANKO/YEAGER TO APPROVE CONSENT AGENDA ITEMS #2 THROUGH #7 AS PRESENTED.

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: None

COMMUNICATIONS:

- 9 Aurora Solar Project Development – Tena Rytel – State permitting is working on this
- 10 Chisago County Zoning – Ordinance Amendment encouraging development of Solar Energy
- 11 Vehicle Accident and damage occurred at the property located at 26795 Forest Boulevard

OLD BUSINESS:

- 12 To consider **Resolution No. 14-07-49** Ordinance 2014-04 amending the City of Wyoming Code of Ordinances, Chapter 40, Article IV, Definitions; Article VII, Division 4, Antennas; and Division 30, Telecommunication Towers and repealing Ordinance 2014-01 an interim ordinance placing a temporary moratorium on Conditional Use Permit applications for wireless telecommunication facilities in the city and directing that studies of official controls related thereto be conducted.

Building Official/Zoning Administrator Weck – The ordinance is acceptable in its current state, the taller the tower the further it needs to be away from the setback.

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS SECONDED BY COUNCILMEMBER S. ZERWAS TO APPROVE RESOLUTION 14-07-49 ORDINANCE 2014-04 AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 40, ARTICLE IV, DEFINITIONS; ARTICLE VII, DIVISION 4, ANTENNAS; AND DIVISION 30, TELECOMMUNICATION TOWERS AND REPEALING ORDINANCE 2014-01 AN INTERIM ORDINANCE PLACING A TEMPORARY MORATORIUM ON CONDITIONAL USE PERMIT APPLICATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES IN THE CITY AND DIRECTING THAT STUDIES OF OFFICIAL CONTROLS RELATED THERETO BE CONDUCTED.

Voting Aye: Elmore, Nanko/Yeager, Peterson, S. Zerwas and J. Zerwas

Voting Nay: None

Abstain: None

NEW BUSINESS:

- 13 To consider **Resolution No. 14-07-52** a resolution determining project funding and declaring that the project cost for the 2015 street and utility improvement project shall be paid by General Obligation Bond Proceeds and Internal Funding Sources but not by Special Assessments

Council Member Nanko/Yeager – We had an election, let's honor the vote, respect the people, let's not drag this out and adopt Resolution 14-07-53

Council Member Steve. Zerwas – Needs to start roads, is concerned about keeping people in their homes.

Council Member Joe Zerwas – Hopes that people will come out to the polls.

Council Member Roger Elmore – We have to sell bonds either way. We use bonds through the road fund or assessments, either way we are paying for this attempting to fix streets.

City Administrator Mattson – If the referendum is successful it's the course you take if not you will use assessments to move forward.

Mayor Peterson – Nowhere on the ballot did it say I want to be assessed. He does not want to penalize the people that don't understand. Wants the least harmful impact on our residents.

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER PETERSON TO APPROVE RESOLUTION NO. 14-07-52 A RESOLUTION DETERMINING PROJECT FUNDING AND DECLARING THAT THE PROJECT COST FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT

SHALL BE PAID BY GENERAL OBLIGATION BOND PROCEEDS AND INTERNAL FUNDING SOURCES BUT NOT BY SPECIAL ASSESSMENTS

Voting Aye: Elmore, Peterson, S. Zerwas and J. Zerwas
Voting Nay: Nanko/Yeager
Abstain: None

929 To consider **Resolution No. 14-07-53** a resolution declaring that the project cost for the 2015 Street and Utility Improvement project shall be paid by special assessments in an amount equal to 20 percent or more of the total cost of the improvement project

RESOLUTION WAS NOT ACTED ON DUE TO THE PASSAGE OF RESOLUTION 14-07-52

A MOTION WAS MADE BY COUNCILMEMBER _____ SECONDED BY COUNCILMEMBER _____ TO APPROVE RESOLUTION NO. 14-07-53 A RESOLUTION DECLARING THAT THE PROJECT COST FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT SHALL BE PAID BY SPECIAL ASSESSMENTS IN AN AMOUNT EQUAL TO 20 PERCENT OR MORE OF THE TOTAL COST OF THE IMPROVEMENT PROJECT

Voting Aye:
Voting Nay: None
Abstain: None

- 14** To consider **Resolution No. 14-07-54** a resolution to authorize purchase of extrication equipment for Engine 1 at the Cost of \$18,836.45

Public Safety Director Paul Hoppe – *Extrication equipment on Engine 2 is 22 years old, it was purchased used and its life expectancy was 15 years. We had a catastrophic event at training and the equipment needs to be replaced. It is a sole source item, we are trying to match the equipment on engine 3, and it is only sold by regional distributors.*

Council Member Joe Zerwas – *How will the item be funded?*

Public Safety Director – *We looked at it for 2015, we were fortunate that Mr. Hallberg donated toward our grass rig and we now have \$11,000 for that we have for that now. We had stabilization equipment budgeted for next year now.*

Council Member Elmore – *Is the one that failed the only one you have?*

Public Safety Director Hoppe – *We want to be able to extricate people simultaneously in an event of more than one car needing extrication*

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS SECONDED BY COUNCILMEMBER S. ZERWAS TO APPROVE RESOLUTION 14-07-54 A RESOLUTION TO AUTHORIZE PURCHASE OF EXTRICATION EQUIPMENT FOR ENGINE 1 AT THE COST OF \$18,836.45

Voting Aye: Elmore, Nanko/Yeager, S. Zerwas, Peterson, and J. Zerwas
Voting Nay: None
Abstain: None

- 15 To consider changing the meeting time for the August 5, 2014 Wyoming City Council meeting to 4:30 P.M. due to National Night Out

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS TO CHANGE THE AUGUST 5th, 2014 WYOMING CITY COUNCIL MEETING TO 4:30 P.M. DUE TO NATIONAL NIGHT OUT

Voting Aye: Elmore, Nanko/Yeager, S. Zerwas, Peterson, and J. Zerwas

Voting Nay: None

Abstain: None

CLAIMS:

- 16 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of July 2, 2014 through July 15, 2014.

Council Member Steve Zerwas – Questioned Explorer Battery for 2014 for Ford Explorer at \$174.00

Public Safety Director Hoppe – Believes there may have been an oil change attached to that amount as well.

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER J. ZERWAS AUTHORIZING PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF JULY 2, 2014 THROUGH JULY 15, 2014

Voting Aye: Elmore, Nanko/Yeager, Peterson, and J. Zerwas

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER – *Attended EDA Meeting – Accepted Resignation of Ray Vinzant – Also discussed updates in regards to possible Hotel and YMCA*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCIL MEMBER S. ZERWAS TO ACCEPT RESIGNATION OF RAY VINZANT AND TO PUT AD FOR VACANCY ON WEBSITE, AND ADVERTISE IN THE FOREST LAKE TIMES AND CHISAGO COUNTY PRESS

Voting Aye: Nanko/Yeager, Peterson, Elmore, and J. Zerwas

Voting Nay: None

Abstain: None

COUNCILMEMBER J.ZERWAS – *None*

COUNCILMEMBER ELMORE – *None*

COUNCILMEMBER S.ZERWAS – *None*

MAYOR PETERSON – *Attended EDA Meeting*

A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS SECONDED BY COUNCILMEMBER NANKO/YAEGER TO ADJOURN THE JULY 15, 2014 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR SESSION AT 9:15PM

Voting Aye: Nanko/Yeager, Peterson, Elmore, and J. Zerwas

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
AUGUST 5, 2014 at 4:30 PM