

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
AUGUST 4, 2015
4:30 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for August 4, 2015 to order at 4:33 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, Joe Zerwas and Lisa Iverson

ABSENT: None

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

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".

Roger Bakeberg - 27256 Kettle River Blvd North – *Expressed his concerns regarding the conditions on Kettle River Blvd N. During and after the event on Saturday the dust was so heavy you could not see on the road. He believes calcium chloride should be applied to the road and if an event is held there the road needs continual watering.*

Public Works Superintendent Windingstad – *\$66,000 in gravel was put on the road in 2006. The Interim Use Permit (IUP) required that the applicant take care of the dust and it appears they did not.*

Mayor Peterson – *We need to make sure this issue is addressed if future events are held.*

Council Member Nanko/Yeager – *Questioned who will pay for the calcium chloride in August?*

Public Works Superintendent Windingstad – *The City will pay 1/3 and John Hastings of Pine Haven and Jeremy Hasting of Dead-end Hayride will pay the other 2/3^{rds}.*

Council Member Nanko/Yeager – *Questioned how does the City enforce the IUP?*

Building Official Weck – *Both myself and Chief Hoppe explained to the organizer that they would need to keep the dust down with water trucks during the event. We will need to make sure future applicants adhere to watering.*

Kathy Sampson – 5201 280th St. N. – *She wanted to know when the Halloween event starts this*

fall and if calcium chloride would be applied to their end of the road.

Public Works Superintendent Windingstad – We always do.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 21, 2015.

A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGERTO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 21, 2015 AS AMENDED

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

Voting Nay: None

Abstain: None

2. Consider approving the minutes of the “Work Session Meeting” of the Wyoming, Minnesota City Council for July 28, 2015

A MOTION WAS MADE BY NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGERTO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 28, 2015 AS AMENDED

Voting Aye: Luger, Nanko/Yeager, Peterson, 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.*

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

3. Report of the Public Safety Director, Paul Hoppe for July 29, 2015
4. Report of City Building Official, Fred Weck, IV for July 29, 2015.
5. Report of City Attorney Mark Vierling for July 29, 2015.
6. Report of City Engineer Mark Erichson, WSB for July 29, 2015.
7. Report of Wyoming Public Works Supt., Jason Windingstad for July 29, 2015.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS, TO APPROVE CONSENT AGENDA ITEMS #3 THROUGH #7 AS PRESENTED.

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

Voting Nay: None

Abstain: None

OLD BUSINESS: NONE

NEW BUSINESS:

8. To consider **Resolution 15-08-50** a resolution approving a variance from section 40-328, (5), (a.), to allow an impervious surface area of 30.2% instead of the maximum allowed of 25% in the Shoreland District; at Property Identification Numbers R21.11124.00 & R21.11125.00

Building Official Weck – You are being presented with 4 different actions items for Heims Lake Villas which staff and consultants are recommending approval on. One item for the preliminary plat that needs to be discussed by the council is the name of the street for the development, the county presented the names of – Fair Bank Lane or Fable Lane. The developer would like to use Heims Lake Circle.

City Council determined that Heims Lake Circle would be an allowable name for the street.

Council Nanko/Yeager – Noticed more engineering concerns than usual for this development.

City Engineer Erichson – We are recommending approval based on that it is the preliminary plat. All other concerns will be completed before the Final Plat is approved.

Council Nanko/Yeager – How did they meet the storm water requirements?

City Engineer Erichson – They satisfied and exceeded both our rules and the watershed's.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER, RESOLUTION 15-08-50 A RESOLUTION APPROVING A VARIANCE FROM SECTION 40-328, (5), (A.), TO ALLOW AN IMPERVIOUS SURFACE AREA OF 30.2% INSTEAD OF THE MAXIMUM ALLOWED OF 25% IN THE SHORELAND DISTRICT; AT PROPERTY IDENTIFICATION NUMBERS R21.11124.00 & R21.11125.00

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

Voting Nay: None

Abstain: None

9. To consider **Resolution 15-08-51** a resolution approving a Conditional Use Permit for a Planned Unit Development in the Shoreland District at Property Identification Numbers R21.11124.00 & R21.11125.00

Council Member Nanko/Yeager – Questioned Condition 3b – How can the condition be met when 5 lots are out of compliance?

Building Official Weck – They are fine where they are and do not need the extra setback because they are not reaching the maximum increase.

Council Member Nanko/Yeager – Questioned about sun rooms, have they been revised so they are out of the buffer zone?

Building Official Weck – We will receive new drawings that indicate this after the approvals are complete.

Jason Rud – Rud Surveying – stated that he will not have the two sun rooms in the buffer zone.

Council Member Nanko/Yeager – Bylaws - how do we know they will be met?

Building Official Weck – We will receive all the documents along with the Final Plat.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER, RESOLUTION 15-08-51 A RESOLUTION APPROVING A

CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT IN THE SHORELAND DISTRICT AT PROPERTY IDENTIFICATION NUMBERS R21.11124.00 & R21.11125.00

*Voting Aye: Luger, Nanko/Yeager, Peterson, Iverson and J. Zerwas
Voting Nay: None
Abstain: None*

10. To Consider **Resolution 15-08-52** a resolution approving a Residential Development in the Shoreland District consisting of housing restricted to the elderly, including independent living at Property Identification Numbers R21.11124.00 & R21.11125.00

Council Member Nanko/Yeager – *How are we defining elderly?*

Building Official Weck – *Not defined in the ordinance but usually 55 plus.*

Council Member Iverson – *Can it be changed?*

City Attorney Vierling – *You will have development covenants that identify an age.*

Council Member Nanko/Yeager – *Do we have a definition of Senior Housing?*

Building Official Fred Weck – *Not at this time.*

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER, RESOLUTION 15-08-52 A RESOLUTION APPROVING A RESIDENTIAL DEVELOPMENT IN THE SHORELAND DISTRICT CONSISTING OF HOUSING RESTRICTED TO THE ELDERLY, INCLUDING INDEPENDENT LIVING AT PROPERTY IDENTIFICATION NUMBERS R21.11124.00 & R21.11125.00

*Voting Aye: Luger, Nanko/Yeager, Peterson, Iverson and J. Zerwas
Voting Nay: None
Abstain: None*

11. To Consider **Resolution 15-08-53** a resolution approving the Preliminary Plat of “Heims Lake Villas” at Property Identification Numbers R21.11124.00 & R21.11125.00

Council Member Nanko/Yeager – *Developers Agreement will be ready at what point?*

City Attorney Vierling – *It depends when the developer submits the information for the final plat, covenants, and development agreement.*

Council Member Iverson – *Would like to make sure the council has time to review the development agreement.*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS, RESOLUTION 15-08-53 A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “HEIMS LAKE VILLAS” AT PROPERTY IDENTIFICATION NUMBERS R21.11124.00 & R21.11125.00

*Voting Aye: Luger, Nanko/Yeager, Peterson, Iverson and J. Zerwas
Voting Nay: None
Abstain: None*

12. To Consider **Resolution 15-08-54** a resolution regarding the support of a job creation fund application in connection with Polaris Industries, Inc.

Assistant City Administrator Linwood – Explained the application for Polaris was for the new 13,382 sq. ft. addition for vehicle emissions. The resolution supports the Job Creation Fund and the letter to Deed to decertify JOBZ.

Council Member Nanko/Yeager – Asked if the city has any liability using the loan through the state and asked if the city would be collecting taxes on the portion decertified in 2016?

Assistant City Administrator Linwood – Explained the city has no liability we are more or less a conduit for the loan and grant through Deed and the taxes will be payable in 2017 when the first portion of the Polaris Building comes off Job –Z.

Council Member Iverson – Questioned if the EDA was involved in this item.

Assistant City Administrator Linwood – It was not necessary to have the EDA sign off on the item. They will be told of the JCF and MIF applications by Polaris at the next meeting. The item came after their last item and Polaris is asking for the city and state to act as soon as possible so they can begin construction.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER, RESOLUTION 15-08-54 A RESOLUTION REGARDING THE SUPPORT OF A JOB CREATION FUND APPLICATION IN CONNECTION WITH POLARIS INDUSTRIES, INC.

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

Voting Nay: None

Abstain: None

13. To consider **Resolution 15-08-55** a resolution calling for a public hearing regarding an application for the Minnesota Investment Fund (MIF) Grant Application and Business Subsidy for Polaris Industries, Inc.

Council Member Nanko/Yeager – Asked if the state will have representation present at the Public Hearing?

Assistant City Administrator Linwood - Nancy Hoffman from the County HRA/EDA will be present and we believe that Carol Pressley Olson will be present from DEED.

Council Member Iverson – Asked if the council could receive some more information about the MIF Application and Job Creation Fund.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON, RESOLUTION 15-08-55 A RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING AN APPLICATION FOR THE MINNESOTA INVESTMENT FUND (MIF) GRANT APPLICATION AND BUSINESS SUBSIDY FOR POLARIS INDUSTRIES, INC

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

Voting Nay: None

Abstain: None

14. To consider **Resolution 15-08-56** a resolution approving Payment Pay Voucher #3 to A1 Excavating Inc. for the 2015 Street and Utility Improvement Project (WSB Project 1688-90) (City Project 15-01) in the amount of \$525,232.09

City Engineer Erichson – 3rd Payment – recommend payment to A1 Excavating.

Council Member Nanko/Yeager – Asked how many more payments?

City Engineer Erichson – We should have one more this year and the final next year when they complete some work in the spring.

Council Member Nanko/Yeager – Questioned when will the final lift be put on?

City Engineer Erichson – Tentatively scheduled for the week of August 17th

Council Member Nanko/Yeager - When will mailboxes be moved?

City Engineer Erichson - As soon as the project is completed, they will be moved this year.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER, RESOLUTION 15-08-56 A RESOLUTION APPROVING PAYMENT PAY VOUCHER #3 TO A1 EXCAVATING INC. FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (WSB PROJECT 1688-90) (CITY PROJECT 15-01) IN THE AMOUNT OF \$525,232.09

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

Voting Nay: None

Abstain: None

15. To consider **Resolution 15-08-57** a resolution approving awarding a contract for the 2015 crack fill Improvement to SealTech, Inc. in the amount of \$45,000.00

Public Works Superintendent Windingstad – Received 3 quotes for the identified projects of Kettle River Blvd, Greenway Lane, Goodview Ave and Fallbrook Ave.

Council Member Nanko/Yeager – Asked if we are moving away from Sealcoating and if we will be reviewing roads that have been seal coated that are now deteriorating.

Public Works Superintendent Windingstad – We are not moving away from sealcoating and we will review roads with the pavement management study

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER, RESOLUTION 15-08-57 A RESOLUTION APPROVING AWARDING A CONTRACT FOR THE 2015 CRACK FILL IMPROVEMENT TO SEALTECH, INC. IN THE AMOUNT OF \$45,000.00

Voting Aye: Luger, Nanko/Yeager, Peterson, Iverson 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 21, 2015** through **August 4, 2015**.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO CONSIDER AUTHORIZING PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF **JULY 21, 2015 THROUGH **AUGUST 4, 2015**.**

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER- *Thanked everyone for coming*

COUNCILMEMBER J.ZERWAS – *Would like to have his council book delivered – Not available for pickup at Library during the designated hours.*

COUNCILMEMBER LUGER – *Attended Park Board last night, delay on delivery of park benches and Xccent apologizes. Park board has put the plaque in place for the businesses who donated to the skateboard park.*

Council Member Iverson – *Asked if the Park Board would consider inviting those businesses to see the plaque.*

COUNCILMEMBER IVERSON – *No Report*

MAYOR PETERSON – *No Report*

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER ADJOURN THE AUGUST 4, 2015 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 5:32

Voting Aye: Nanko/Yeager, Peterson, Luger, Zerwas 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
AUGUST 18, 2015 - 7:00 PM***