

**APPROVED MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
OCTOBER 6, 2015  
7:00 PM**

**CALL TO ORDER:**

*Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for October 6, 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, Joe Zerwas and Lisa Iverson*

*ABSENT: None*

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

**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 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".*

**Gary Sycks – 5710 East Viking Blvd –** *Wants to talk about Polaris and would like to know how the traffic study research went. Feels that Polaris was disrespectful during Stagecoach Days, because they were not using the detours correctly. Feels that the city gave Polaris corporate welfare.*

**Police Department –** *The Police building is in very bad condition. He visited the building recently and believes there is mold. You need a new police station and stated that you are going to lose employees to respiratory diseases.*

**APPROVAL OF MINUTES:**

- 1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for September 15, 2015.**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE THE MINUTES OF THE "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR SEPTEMBER 15, 2015**

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

*Voting Nay: None*

*Abstain: None*

**SCHEDULED BID LETTINGS:**

2. To Consider approving **Resolution 15-10-71** a resolution awarding the sale of \$2,670,000 General Obligation Utility Revenue Bonds, Series 2015B fixing their form and specifications; Directing their execution and delivery; and providing for their payment

**Kathy Aho – President Springsted** – *Moody's affirmed the City's A1 bond rating. We received 5 bids for the bond sale today. The lowest interest rate was provided by Northland Securities at 2.73%. Due to the low interest rate there is a reduction of about \$200,000. We were able to reduce the amount down to 2.67 Million. This was the highest amount of bids the city has received in the last 20 years. Recommendation would be that you accept the bid from Northland Securities.*

**Mayor Peterson** – *How does that affect the reduction in the bonds?*

**Kathy Aho** – *Originally the annual payment was \$186,000 a year over 20 years, now it is \$177,000*

**Council Member Iverson** – *Asked what would happen if we could not pay for the bonds through our enterprise funds?*

**Kathy Aho** – *You would have to Levy Taxes to pay for the bonds*

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-71 A RESOLUTION AWARDING THE SALE OF \$2,670,000 GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2015B FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

*Voting Aye: Luger, Peterson, and Zerwas*

*Voting Nay: Iverson and Nanko/Yeager*

*Abstain: 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 September 30, 2015
4. Report of City Building Official, Fred Weck, IV for September 30, 2015
5. Report of City Attorney Mark Vierling for October 1, 2015
6. Report of City Engineer Mark Erichson, for September 30, 2015
7. Report of Wyoming Public Works Supt., Jason Windingstad for September 30, 2015

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

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

*Voting Nay: None*

*Abstain: None*

## **COUNCIL MEMBER NANKO/YEAGER PULLS ITEM #6**

**Council Member Nanko/Yeager** – Wanted to know if the punch list would be completed before snow flies.

**City Engineer Erichson** – Most of the project should be completed by the end of the week. The Railroad lift station and pad will be completed in 2016. Some small items on the punch list will be completed in 2016 as well.

**Council Member Nanko/Yeager** – Asked about when the 2015 Street Project assessment hearing will take place.

**City Engineer Erichson** – The hearing will be take place at the November 17<sup>th</sup> Meeting

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE CONSENT AGENDA ITEM #6 AS PRESENTED.**

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

Voting Nay: None

Abstain: None

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

8. To consider **Resolution 15-10-72** a resolution approving the Final Plat of “Heims Lake Villas” at Property identification Numbers 21.11124.00 & 21.11125.00

**Building Official Weck** – The Planning Commission approved the final plat at the September 22 meeting. We are still waiting on the development agreement. The park dedication is a question for the council tonight. The applicant is asking that the park dedication be paid with a building permit for the home. Right now the city’s ordinance states it is due at the time of final plat approval. The path is being included in their dedication. The cost of the path is approximately \$27,000 out of the approximate \$59,000 for the dedication.

**Council Member Nanko/Yeager** – The park fee is paid at the final plat and WAC/SAC then? Are there any problems by allowing that method?

**Attorney Vierling** – The development agreement says pay WAC/SAC now. The park dedication fee can be used on any park. If you delay the payment the only other impact would be the addition of some administrative staff time.

**City Administrator Mattson** – One other negative may be that you would not have money in hand immediately.

**Council Member Iverson** – Asked if the fees are too high are we changing this at all?

**City Administrator Mattson** – Fees are normal and we could have an interest payment at 2% on the fee.

**Council Member Iverson** – How long will it take to sell and build the lots in the development?

**Heims Lake Villas Representative** – We hope 1 year but realistically 2 to 3 years.

**Council Member Nanko/Yeager** – What would the interest rates be?

**City Administrator Mattson** – 2% would be a normal administrative interest fee for the city.

**A MOTION WAS MADE NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO DEFER PARK DEDICATION FEE TO A PER LOT BASIS AND ADD AN INTEREST CHARGE OF 2% UNTIL THE BUILDING PERMIT IS ISSUED FOR THE LOT**

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

*Voting Nay: None*

*Abstain: None*

**Council Member Nanko/Yeager** - Thought that there were many contingencies in this final plat.

**Building Official Weck** – Did not feel there were any more contingencies in this plat than usual

**Council Member Nanko/Yeager** – Asked if the drainage plan was sufficient for the project.

**City Engineer Erichson** – At this time we have no major issues with the drainage plan as presented

**Council Member Nanko/Yeager** – Inquired about the status of the Bylaws for the development

**Building Official Weck** – They have been reviewed by the city attorney and there are no issues at this time.

**Council Member Nanko/Yeager** – Wanted to know if there would be any major changes in the development agreement

**City Attorney Vierling** – It is substantially done and there may be some changes from engineering.

**Council Member Nanko/Yeager** – Asked about seal coating for the road in the development? When will it be completed?

**City Engineer Erichson** – Usually the placement of a seal coat is 2 years after the final wear course.

**Council Member Iverson** – Wanted to know what the additional 20% of occupancy would be other than 55+ and would children be allowed

**Developer** – It possibly would be people somewhat under that or caretakers, feels association would take care of this

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE RESOLUTION 15-10-72 A RESOLUTION APPROVING THE FINAL PLAT OF “HEIMS LAKE VILLAS” AT PROPERTY IDENTIFICATION NUMBERS 21.11124.00 & 21.11125.00**

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

*Voting Nay: None*

*Abstain: None*

9. To consider **Resolution 15-10-73** an ordinance amending the City of Wyoming Code of Ordinances, Chapter 40, Article VII, Division 10, by adding standards and definitions for solar energy systems, solar energy farms, and for their installation and use in the City of Wyoming

**Building Official Weck** – The Planning Commission has been working on this ordinance for a considerable amount of time. They used the Chisago County ordinance for a draft for the city’s solar ordinance. The summation of the ordinance is that solar farms would only be allowed on the landfill site and the solar gardens would be allowed, only in certain areas, conditional uses and restrictions with the overlay would be in effect.

**Council Member Nanko/Yeager** – Asked about the overlay districts and if we can put solar energy systems in residential areas. Within the lines for the overlay you cannot, outside you can. Does not feel that solar farms or solar gardens should be in residential areas. Does not have a problem having them in agricultural areas. Would like to look at the possibility to send the ordinance back to the Planning Commission for further revision

**Council Member Zerwas** – Agreed, he did not want to see solar farms or solar gardens in residential areas of the city. Has concerns that the land will be tied up for a long period of time, 20 to 25 years. Agreed that it should go back to the Planning Commission for review.

**Building Official Weck** – You would need to meet other standards to allow them including conditional uses, not just the overlay.

**Council Member Iverson** – Asked about the difference in taxes received with commercial property vs. the solar farms.

**Building Official Weck** – To give you a comparison a 66 acres solar farm would generate \$18,000 in taxes. The Devita property on its own generates \$47,000 in total taxes.

City Council elected to Table the Solar Ordinance and send back to the Planning Commission for further revision on allowing in residential areas.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO TABLE THE SOLAR ORDINANCE AND SEND BACK TO THE PLANNING COMMISSION FOR REVISION**

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

Voting Nay: None

Abstain: None

10. To consider **Resolution 15-10-74** a resolution to authorize the purchase and installation of a new roof from Gruver Pole Buildings, Inc. at the Police Station and Public Works Building in the amount of \$20,000.00

**Public Works Superintendent Windingstad** – The building needs a new roof, it has been patched and maintained as much as possible, but now needs to be replaced. We need a generator for the building to supply public safety and public works with power with an event of storms or emergency situations. The HVAC is completely wore out, it will not last the winter and we have air quality issues in the building. We have built in a contingency of \$10,000 in the request because we do not know what we will find once we tear the roof off and what we may find behind the walls.

**Council Member Nanko/Yeager** – Has no problem approving the repairs. The issues did not all materialize this year. Could the roof had been maintained better?

**Public Works Superintendent Windingstad** - The building was not a long term solution, the building was fixed to be habitable, the roof has been patched and maintained and it has failed. The HVAC in the building has failed and the in transit floor heat has water accumulating in it. We could be looking at possible health issues with air quality or possible mold issues in the building.

**Council Member Zerwas** – The \$59,000 is not even addressing all of the repairs in the building. The front wall of the building is rotting off, what other issues are unforeseen? You don't know what you may find when you start ripping off the roof and the walls.

**Mayor Peterson** – We have a lot of money going into this, the city will be able to use the generator elsewhere in the future.

**Public Safety Director Hoppe** – The building does not have a functional module anymore. In 2009 this was the most reasonable option and it was a short term solution of 3 to 5 years and now we are in year 7. The city council was supposed to be looking into facility options in the meantime. We need to look at facilities as a whole for the city, putting the money into the building will not fix all of the problems, it has exceeded its useful life and it has water issues, possible mold issues, possible fungus issues and we need to make sure we are taking care of employees health and the repairs will continue on the building.

**Mayor Peterson** – We are working on a building needs assessment next year.

**Council Member Nanko/Yeager** – Feels that future LGA payments could have been used towards the police station/public works building instead of the debt service of the water tower.

**Council Member Iverson** – Once the repairs start you will learn what other repairs may be necessary, asked Public Works Superintendent Windingstad to bring those to council.

**City Administrator Mattson** – When the Township and City merged that building was to be demolished and a new city hall was to be built. Due to costs associated with the annexation that plan was put aside. We had another opportunity in 2012 for a facility by purchase of a building and renovating the current city hall for public safety. We now have a facility failing for the Police and Public works departments. We have issues at our administrative building in regards to the boiler and a leaking roof. We need to be conscious of what we are doing with our facilities and address them.

**Public Safety Director Hoppe** – If we are going to fix all the problems at what point do we stop? We have a high water table and floating slab foundation and the carpets have been wet for months. Where will we end, pull the floor out, seal the concrete to stop moisture penetration. Are we replacing the carpet, pulling the sheet rock off of the walls, the insulation out? What are the limitations of the building?

**A MOTION WAS MADE BY COUNCILMEMBER LUGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE RESOLUTION 15-10-74 A RESOLUTION TO AUTHORIZE THE PURCHASE AND INSTALLATION OF A NEW ROOF FROM GRUVER POLE BUILDINGS, INC. AT THE POLICE STATION AND PUBLIC WORKS BUILDING IN THE AMOUNT OF \$20,000.00**

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

*Voting Nay: None*

*Abstain: None*

11. To consider **Resolution 15-10-75** a resolution to authorize the purchase and installation of an emergency generator from M&T electric to be used in the event of power outages at the Police station and Public Works Building in the Amount of \$20,486.29

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-75 A RESOLUTION TO AUTHORIZE THE PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR**

**FROM M&T ELECTRIC TO BE USED IN THE EVENT OF POWER OUTAGES AT THE POLICE STATION AND PUBLIC WORKS BUILDING IN THE AMOUNT OF \$20,486.29**

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

*Voting Nay: None*

*Abstain: None*

12. To Consider **Resolution 15-10-76** a resolution to authorize the purchase and installation of a new HVAC system from Extreme Air, LLC. at the Police Station and Public Works Building in the amount of \$8,300.000

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-76 A RESOLUTION TO AUTHORIZE THE PURCHASE AND INSTALLATION OF A NEW HVAC SYSTEM FROM EXTREME AIR, LLC. AT THE POLICE STATION AND PUBLIC WORKS BUILDING IN THE AMOUNT OF \$8,300.000**

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

*Voting Nay: None*

*Abstain: None*

13. To consider **Resolution 15-10-77** a resolution approving "Payment Pay Voucher #7 to Dresel contracting for worked complete on Greenway Avenue Improvement Project (WSB Project 1688-91) (City Project 13-01) in the amount of \$52,636.92

*City Engineer Erichson – Project is nearly completed, there will be a final walkthrough with MNDOT and a few punch items.*

**A MOTION WAS MADE BY COUNCILMEMBER LUGER SECONDED BY COUNCILMEMBER NANKO/YEAGER TO APPROVE RESOLUTION 15-10-77 A RESOLUTION APPROVING "PAYMENT PAY VOUCHER #7 TO DRESEL CONTRACTING FOR WORKED COMPLETE ON GREENWAY AVENUE IMPROVEMENT PROJECT (WSB PROJECT 1688-91) (CITY PROJECT 13-01) IN THE AMOUNT OF \$52,636.92**

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

*Voting Nay: None*

*Abstain: None*

14. To consider **Resolution 15-10-78** a resolution approving "Payment Voucher #5 to A1 Excavating Inc. for the 2015 street and utility improvement project (WSB 1688-90) (City Project 15-01) In the amount of \$482,468.58

**A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-78 A RESOLUTION APPROVING "PAYMENT VOUCHER #5 TO A1 EXCAVATING INC. FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (WSB 1688-90) (CITY PROJECT 15-01) IN THE AMOUNT OF \$482,468.58**

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

*Voting Nay: None*

*Abstain: None*

15. To consider **Resolution 15-10-79** a resolution certifying the unpaid utility bills and city services invoices of certain residents and businesses contained on the attached list to property taxes for collection in 2016

**Council Member Nanko/Yeager** – Suggested that there were more unpaid utility bills than usual and finds it concerning.

**City Administrator Mattson** – Did not believe it was more than usual and once the letters go out many residents and businesses pay the outstanding bill.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-79 A RESOLUTION CERTIFYING THE UNPAID UTILITY BILLS AND CITY SERVICES INVOICES OF CERTAIN RESIDENTS AND BUSINESSES CONTAINED ON THE ATTACHED LIST TO PROPERTY TAXES FOR COLLECTION IN 2016**

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

*Voting Nay: None*

*Abstain: None*

## **CLAIMS:**

**16. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of September 16, 2015 through October 6th, 2015.**

**Council Member Nanko/Yeager** – Asked if we were billed twice for August Services for Opus.

**Assistant City Administrator Linwood** – The full payment was split half and half between water and sewer fund accounts.

**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 SEPTEMBER 16, 2015 THROUGH OCTOBER 6TH, 2015.**

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

*Voting Nay: None*

*Abstain: None*

## **COUNCIL REPORTS:**

**COUNCILMEMBER NANKO/YEAGER-** *Attended Sewer Commission meeting – We discussed flushable wipes. We were supposed to have a plaintiff meeting on September 30<sup>th</sup>. Public Works Superintendent Windingstad attended the September 30<sup>th</sup> meeting via conference call. The commission started the 2016 budget and are working on the ammonia problems. There is no solution yet on the ammonia problem, but it is possible there could be some possible small rate increases if we incur more costs to deal with the issue. The commission is working with the state still to correct the ammonia issues. Had a discussion on solar farms and financing possibilities if they were to use it. It will be reviewed by financial consultants and we will discuss with the county about their solar garden.*

**COUNCILMEMBER J.ZERWAS** – *No report, looks forward to the information on the building that is being repaired.*

**COUNCILMEMBER LUGER** – *We have a Frisbee golf course in transit that will be installed at Comfort Lake Park this fall. Benches are in from Xccent to be installed and we are receiving quotes for new park signage.*

**Council Member Nanko/Yeager** – *Asked about the status of the pickle ball court*

**Public Works Superintendent Windingstad** – It was put on hold due to the road construction since the park would be extremely difficult to access for residents.

**COUNCILMEMBER IVERSON** – No report, thanked everyone for coming.

**MAYOR PETERSON** – No report

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO ADJOURN THE OCTOBER 6, 2015 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:43PM**

*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**  
**OCTOBER 20, 2015 - 7:00 PM**