

**UNAPPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
OCTOBER 20, 2015
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for October 20, 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

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".

***Dan Babbit - 26220 Glen Oak Drive** – Believes that the city council needs to focus on the direction of the city. Does not think that the Autowerks expansion went well. Does not agree with the financing of the water tower or the way the street project went.*

***City Engineer Erichson** – The Street Project has been on schedule for the duration, there were some delays because of rain, but its completion is on schedule.*

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for October 6, 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 OCTOBER 6, 2015 AS AMENDED

***Council Member Nanko/Yeager** – Asked for the 2.68 Million to be changed to 2.6750 Million in the minutes*

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

Voting Nay: None

Abstain: None

SCHEDULED BID LETTINGS:

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 consider authorizing the Wyoming Public Works Department to proceed with a selection process to establish an eligibility list to fill a Maintenance Worker position vacancy.
3. To consider authorizing a contract for Planning Services with WSB & Associates as recommended by Building Official Weck
4. To consider authorizing a contract with Timesaver Off Site Secretarial, Inc. as recommended by Building Official Weck

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

5. Report of the Public Safety Director, Paul Hoppe for October 14, 2015
6. Report of City Building Official, Fred Weck, IV for October 14, 2015
7. Report of City Attorney Mark Vierling for October 15, 2015
8. Report of City Engineer Mark Erichson, for October 15, 2015
9. Report of Wyoming Public Works Supt., Jason Windingstad for October 14, 2015

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE CONSENT AGENDA ITEMS # 6 THROUGH #9 AS PRESENTED.

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

Voting Nay: None

Abstain: None

COUNCIL MEMBER NANKO/YEAGER PULLS ITEM #2

Council Member Nanko/Yeager – *Wanted to know about the position - is it Maintenance worker 1 or 2? Will we eventually fill the Bill Eisengmenger position or just be looking for another maintenance person?*

City Administrator Mattson – *We just have a maintenance worker, not 1 or 2 classification.*

Public Works Superintendent Windingstad – *We are still working with the union contract so we have not determined that yet.*

Council Member Nanko/Yeager – *With the department accepting union representation, would we possibly make the lead position supervisory as in the police department?*

City Administrator Mattson – *The lead position is considered a working position under the 49ers, it's just a pay classification. With the 49ers representation the superintendent of the public works department cannot operate equipment or plow snow.*

Council Member Nanko/Yeager – *Asked if the union representation will affect the part time snow plowing drivers status?*

City Administrator Mattson – As long as they don't work more than 67 days they are not governed under the union

Council Member Iverson – Questioned the term “satisfactory driving record” on the advertisement for the position, and was concerned with the language.

City Administrator Mattson – All employees are backgrounded to determine if they have a valid CDL or a driving record that is acceptable for the position.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE CONSENT AGENDA ITEM #2 AS PRESENTED.

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

Voting Nay: None

Abstain: None

COUNCIL MEMBER NANKO/YEAGER PULLS ITEMS #3 AND #4

Council Member Nanko/Yeager – Would the planner be doing part of Fred's Job as far as Zoning Administrator?

City Administrator Mattson – It would shift his work load, he will still be the zoning administrator during the day. The Planning portion of the work and costs will be recovered by the developers paying in escrow for developments.

Council Member Nanko/Yeager – Asked about the change in the cost of the comp plan update, the revised fee is \$10,200. Questioned how long WSB has been in the planning business.

City Engineer Erichson – The Comprehensive Plan costs have been limited, to only a portion that needs to be completed. My understanding that the Planning Commission would just like to update the maps. WSB has been providing planning services for 14 communities.

Council Member Nanko/Yeager – Questioned about the costs associated with the position.

City Administrator Mattson – The estimates are based on the work that is currently ongoing. It could be more or less based on the future developments within the city.

Council Member Nanko/Yeager – Questioned if someone else could possibly do the minutes, thought the costs were high. Questioned the city attorney if we can do this without changing Mr. Weck's contract.

City Attorney Vierling – You are not changing his job description as much as you are reallocating his time with the fundamentals and defined areas within his contract.

Council Member Nanko/Yeager – Suggested the possibility of hiring a part time building inspector, would like to explore this option.

City Administrator Mattson – The option that we presented was more cost effective than hiring another building official.

Council Member Iverson – Asked if any board members can take minutes?

City Attorney Vierling – You have a conflicting use of roles when a board member has to be engaged in a meeting and would be focused on taking minutes.

Council Member Iverson – *Could you use a volunteer?*

City Attorney Vierling– *You could, but typically you don't find volunteers for items that are specific like this.*

A MOTION WAS MADE BY COUNCILMEMBER PETERSON SECONDED BY COUNCILMEMBER _____ TO APPROVE CONSENT AGENDA ITEMS #3 and #4 AS PRESENTED.

MOTION FAILS DUE TO LACK OF SECOND

Voting Aye:

Voting Nay: None

Abstain: None

COUNCIL MEMBER NANKO/YEAGER PULLS ITEM #5

Council Member Nanko/Yeager – *Asked about what time the Town Hall Meeting for East Viking Blvd would be on November 4th? How will you be getting the word out for the meeting? Asked if the reporter from the Forest Lake Times could put the information about the meeting in the paper.*

Public Safety Director Hoppe – *The meeting time is 5:00 p.m. We will be putting the event on the city's website and flyers will be mailed to residents along East Viking Blvd.*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE CONSENT AGENDA ITEM #5 AS PRESENTED.

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

Voting Nay: None

Abstain: None

OLD BUSINESS: NONE

NEW BUSINESS:

10. To Consider Resolution 15-10-80 a resolution calling a hearing on assessments for the 2015 Street and Utility Improvement Project (City Project No. 15-01)

City Engineer Erichson – *The project is substantially completed and the work will be ongoing into next construction season. They have identified the assessment amount and it is approximately \$1,839.51 and slightly less than we had anticipated. Exhibit A will be published in the paper and the second in the letter that will go out to residents. There are two resolutions that have been prepared as required in the Chapter 429 process.*

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-10-80 A RESOLUTION CALLING A HEARING ON ASSESSMENTS FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (CITY PROJECT NO. 15-01)

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

Voting Nay: None

Abstain: None

11. To consider **Resolution 15-10-81** a resolution declaring the cost to be assessed and ordering preparation of proposed assessment roll for the 2015 Street and Utility Improvement Project (City Project No. 15-01)

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER IVERSON TO APPROVE RESOLUTION 15-10-81A RESOLUTION DECLARING THE COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT (CITY PROJECT NO. 15-01)

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

Voting Nay: None

Abstain: None

12. To consider a "Solicitation Permit" for Nicholas James Doney of Tak Communications, 10 Melane St, Rapid City, SD 57701 325 Main Street, Elk River, MN for October 21, 2015 to October 21, 2016 from 9:00a.m. to 8:00p.m

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO APPROVE A "SOLICITATION PERMIT" FOR NICHOLAS JAMES DONEY OF TAK COMMUNICATIONS, 10 MELANE ST, RAPID CITY, SD 57701 325 MAIN STREET, ELK RIVER, MN FOR OCTOBER 21, 2015 TO OCTOBER 21, 2016 FROM 10:00A.M. TO 6:00P.M

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

Voting Nay: None

Abstain: None

13. To consider changing the meeting time for the November 3, 2015 Wyoming City Council meeting to 4:30 PM November 3, 2015 due to School District #831 Special Election Ballot Questions.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE CHANGING THE MEETING TIME FOR THE NOVEMBER 3RD, 2015 WYOMING CITY COUNCIL MEETING TO NOVEMBER 4TH, 2015 AT 7:00 PM DUE TO SCHOOL DISTRICT #831 SPECIAL ELECTION BALLOT QUESTIONS

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

Voting Nay: Zerwas

Abstain: None

14. To consider revising the development agreement for Heims Lake Villas to allow a reduced letter of credit with the City Engineer being designated as the city representative to control approval and timing of the reduction of letter of credit based on the developer demonstrating satisfactory completion of work

City Attorney Mark Vierling – *The developer cannot cover the costs of the current letter of credit and they are asking that it be reduced. You normally have a letter of credit to cover the construction costs 100%, the legal and engineering portion that are 20%, equaling 120%. We then recommend that you get an additional 25%, for a total of a 145%. The developer is asking that you remove 25%. If you would allow that we have inserted an additional decree that allows WSB to determine when the project is completed and that letter of credit is released. City Administration, Legal and the city's engineer is comfortable with this agreement*

Heims Lake Developer - *Stated that they could not finance the total amount of the letter of credit.*

Council Member Lisa Iverson – Asked about the 145%, is this the normal and has the developer known all along?

Heims Lake Developer – We were under the impression it would be 125% as stated by our bankers estimate. We were aware of the 145% and were trying to work forward not to have this meeting.

Council member Nanko/Yeager – Stated she is not comfortable with agreement and has not had enough time to read it.

Heims Lake Developer – Does not believe there has been many changes to the development agreement other than this. We have ran out of time, we have had 2 extensions and we may lose the project if we do not close this Friday. We have \$30,000 of non-refundable earnest money.

Mayor Peterson – Would like to see the development happen and is alright with the change since our staff, attorney and engineer have signed off on it.

Council Member Luger – Is concerned with this situation, feels the developer has had time to deal with this and it feels last minute. Would like to see the development but feels the amount on the LOC is there for a reason. Asked if this is typical in developments?

City Attorney Vierling – There has been a change since the recession, it is harder for developers to obtain working capital than it used to be. Banks are far more conservative than they once were. Development agreements are a negotiated item. There are no major changes in substantive terms to the agreement, but the city consultants and staff are saying that this is doable and we can live with it.

Council Member Iverson – Asked why they had the two defaults on the property. Wants to be business friendly but is concerned about the financing portion of it.

Heims Lake Developer – It was no one's fault, it just took longer than we anticipated. It is an ongoing negotiation with the project. We would like to be moving dirt on the project next week and this is what we need to do the project. We currently have six buyers already signed up.

City Engineer Erichson – It is typical that you see development agreements that are 125 to 150%. Sometimes it's not the value of the aggregate, it's more the risk they carry at one time. I will be reviewing it and we will not be replacing or reducing the letter of credit any time soon.

A MOTION WAS MADE BY COUNCIL MEMBER PETERSON SECONDED BY COUNCIL MEMBER ZERWAS TO APPROVE REVISING THE DEVELOPMENT AGREEMENT FOR HEIMS LAKE VILLAS TO ALLOW A REDUCED LETTER OF CREDIT WITH THE CITY ENGINEER BEING DESIGNATED AS THE CITY REPRESENTATIVE TO CONTROL APPROVAL AND TIMING OF THE REDUCTION OF LETTER OF CREDIT BASED ON THE DEVELOPER DEMONSTRATING SATISFACTORY COMPLETION OF WORK

Voting Aye: Peterson, Luger, Iverson and Zerwas

Voting Nay:

Abstain: Nanko/Yeager

CLAIMS:

15. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of October 7, 2015 through October 20th, 2015

A MOTION WAS MADE BY COUNCIL MEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGER TO CONSIDER AUTHORIZING PAYMENT OF

RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF OCTOBER 7, 2015 THROUGH OCTOBER 20TH, 2015.

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

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER-

Attended Hwy 8 task force meeting – The seal coating of Hwy 61 in 2016 will be from Forest Lake to Wyoming. They will be resurfacing 35W from the split to Hwy 8 in 2016. They will be looking at rebuilding the interchange at Hwy 8 and Interstate 35 in 2017 and 2018. County is looking at proposing a local transportation tax. They discussed left turn issues on Hwy 8 East of Greenway. She shared that we put up signage and police saturations. They talked about the 4 lanes on Hwy 8 from Greenway to Chisago. We would like to have letters of support from cities on the Hwy 8 corridor and have local EDA's involved for business development.

Sewer Commission – Talked about the flushable wipes lawsuit. Update on Lawsuit and that the defendants wanted it dismissed cause there is no proof it is there wipes in the system. Talked about an agreement for purchasing pumps and the state would like to monitor salt and mercury in the sewer system. They are monitoring the tanks on their temperature for functionality in the winter. They are still looking at a site specific solar grid. Ehlers stated the commission cannot pre-pay and bond for the power created by a grid. Staff met with Solar Stone, which is another solar company.

COUNCILMEMBER J.ZERWAS – No Report

COUNCILMEMBER LUGER – No Report

COUNCILMEMBER IVERSON – No Report

MAYOR PETERSON – The EDA presented the quarterly business Award to Applewood Nursery on Hwy 8.

Council Member Zerwas – Any Update on the Police and Public Works Building improvements?

Public Works Superintendent Windingstad – The Company that was contracted to do the roof may not be able to get it done this fall and he is exploring other contractors.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO ADJOURN THE OCTOBER 20, 2015 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:07PM

*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
NOVEMBER 4, 2015 – 7:00PM**