

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
NOVEMBER 17, 2015
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for November 17, 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 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".

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for November 4, 2015.

Council Member Nanko/Yeager - Noted that Mr. Pratt was the attorney present and not Mr. Vierling at the last city council meeting.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER IVERSON TO APPROVE THE MINUTES OF THE "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL FOR NOVEMBER 4, 2015 AS AMENDED

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

Voting Nay: None

Abstain: None

SCHEDULED BID LETTINGS:

SCHEDULED PUBLIC HEARINGS:

2. To Consider **Resolution 15-11-85** a resolution adopting the proposed assessment for the 2015 Street and Utility Improvement Project, City Project No. 15-01

City Engineer Erichson – Presented a summary of the street project and the process currently used to approve the assessments for the 2015 Street and Utility Project.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO OPEN THE PUBLIC HEARING FOR THE 2015 STREET AND UTILITY PROJECT AT 7:14 P.M.

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

Voting Nay: None

Abstain: None

Kathy Nelson – 26495 Glen Oak Drive – Had a question regarding if a senior citizen wanted to appeal the assessment how they would do that.

City Attorney Vierling – Stated that you need to provide a written appeal before they close the public hearing.

Carol Arceneau - 6060 263rd St. – Wanted to know where she could pay her assessment in full.

Assistant City Administrator Linwood – At Wyoming City Hall.

Philip Holforty – 27015 Flintwood Circle – He has a small piece of property that is being assessed that he does not believe should be.

City Engineer Erichson – That was an error on 299 and it should be removed if the assessment roll is adopted by the City Council.

Christine Ricehill - 26912 Foxboro Ave – Had a question regarding Minnesota Statutes and asked about hardship and owners over 65 how they inquire on the deferment?

City Attorney Vierling – The policy is made up by the City Council for deferment policy. It is not just 65, a permanent disability, or a hardship that includes income qualifications. The resident would need to contact the city regarding this. At this time the Wyoming City Council has not adopted a policy.

Wyoming City Council – Asked if we could have a deferment policy at the next city council meeting.

Steve Sicheneder - 6201 266th Ct. – Thanked the council for getting the project done. Noted a 5% interest on the assessments for the project and asked if the council would consider a lower interest rate for the bonds.

Gary McKenzie - 5735 Flintwood Lane – Questioned if a resident has an issue with part off the project what they can do. Feels that the water on Flintwood Lane has gotten worse and would like to have the city engineer look at it.

City Engineer Mark Erichson – Stated he would be happy to meet with the resident in spring regarding the water issue and take a look at it before signing off with the contractor.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER LUGER TO CLOSE THE PUBLIC HEARING FOR THE 2015 STREET AND UTILITY PROJECT AT 7:36 P.M.

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

Voting Nay: None

Abstain: None

Council questioned if the assessment rates could be lowered.

City Administrator Mattson – We need to make sure that we have enough cushion to make payments on the bonds. We have a certain amount of the assessments that people do not pay and we may also look at receiving some assessment deferrals from residents.

City Attorney Vierling – If you alter the assessment roll, staff will have to re-notice the entire assessment roll. Prepayments do not help, you are locked into the payments to the bond company principle and interest.

A MOTION WAS MADE BY COUNCILMEMBER IVERSON EXCLUDING ROLL #299 ON THE ROLL SECONDED BY COUNCILMEMBER LUGER TO APPROVE RESOLUTION 15-11-85 A RESOLUTION ADOPTING THE PROPOSED ASSESSMENT FOR THE 2015 STREET AND UTILITY IMPROVEMENT PROJECT, CITY PROJECT NO. 15-01

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

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.

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

3. Report of the Public Safety Director, Paul Hoppe for November 10, 2015
4. Report of City Building Official, Fred Weck for November 12, 2015
5. Report of City Attorney Mark Vierling for November 12, 2015
6. Report of City Engineer Mark Erichson, for November 11, 2015
7. Report of Wyoming Public Works Supt., Jason Windingstad for November 12, 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, Zerwas and Iverson

Voting Nay: None

Abstain: None

OLD BUSINESS:

8. To consider **Resolution 15-11-73** 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 / Zoning Administrator Weck – We have supplied you with new maps where the solar farms would not be permitted in the Shoreland areas, Carlos Avery, and the solar energy overlay district. The council requested that all residential districts be removed from the Ordinance. The planning commission felt it was not a good idea to have them in just commercial areas. The planning commission has not changed the ordinance and it is presented back to the city council.

Mayor Peterson – *The future comp plan will eliminate agricultural?*

Building Official/ Zoning Administrator Weck – *That is correct*

Council member Nanko/Yeager – *You could make a provision in the comprehensive plan to have AG District allowing solar gardens. Solar Gardens provide retail power, does not think that type of facility should be in a residential area. Proposed changes to the ordinance.*

Suggested the following:

Section 40-415 Subsection 3 – Community Solar Gardens

Subsection F under prohibited districts we could add residential districts R-1 through R-6

Subsection 4 Solar Farms – Prohibit in residential

40-13 Definition 2 – what defines a community member? Should the overlay district be eliminated or modified?

Mayor Peterson – *Would be okay with the solar farms, but not okay with solar gardens*

Building Official/ Zoning Administrator Weck– *We are trying to exclude retail traffic – A solar farm does not generate traffic like a retail area. Overlay districts were put in over our main thorough fairs and to protect those areas so they don't take up prime land on prime routes.*

Council Member Zerwas – *Does not want solar gardens in residential zoning*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE RESOLUTION 15-11-73 A RESOLUTION APPROVING 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: WITH THE FOLLOWING AMENDMENTS: SECTION 40-513 ELIMINATE DEFINITION NUMBER 2, SECTION 40-514 – TYPES OF SOLAR ENGERGY SECTIONS - SUBSECTION 3 SUBSECTION F – ADD TO PROHIBITED DISTRICTS ALL RESIDENTIAL DISTRICTS R-1 THROUGH R- 6 AND SUBSECTION 40-514 – SOLAR FARMS – PROHIBITED IN ALL RESIDENTIAL DISTRICTS R-1 THROUGH R6

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

Voting Nay: Peterson

Abstain: None

9. To consider authorizing a contract for Planning Services with WSB & Associates as recommended by Building Official Weck

Building Official / Zoning Administrator Fred Weck – *Provided a workload worksheet to show the department of Labor and Industry. The worksheet shows the hours available a year and the type of inspections. Mr. Weck stated he needs an additional 689 hours a year to do the jobs effectively.*

Council Member Zerwas – *So you are 689 hours in the hole?*

Building Official/ Zoning Administrator Weck - *Correct*

Council Member Nanko/Yeager – *Feels that the \$37,000 for 7 hours of work a week is too much to pay. Feels that Council Member Iverson made some recommendations regarding a volunteer or intern.*

Mayor Peterson – *Stated that we are not taking away Mr. Weck's workload or higher functions. The planning services would be only used for developments.*

Building Official/ Zoning Administrator Weck – Stated he will still be doing the day to day functions as the Zoning Administration

Council Member Luger – Stated she brought this item back up, wanted more information. She wanted to see numbers to see what the comparative analysis was.

Council member Iverson – Asked about hiring an intern and feels that this may be something to look at.

Council member Luger – Feels this is a need and that you need to have proper support in place. Does not feel that a volunteer or intern can show up to do those minutes or this job.

Council Member Iverson – Believes that we still need additional help, but we need to stop raising taxes.

Building Official/Zoning Administrator Weck – Stated he is creating revenue for the city through building permits and the developers will be directly paying for the planner services.

A MOTION WAS MADE BY COUNCILMEMBER PETERSON SECONDED BY COUNCILMEMBER ZERWAS TO APPROVE A CONTRACT FOR PLANNING SERVICES WITH WSB & ASSOCIATES AS RECOMMENDED BY BUILDING OFFICIAL WECK

Voting Aye: Peterson, Luger, and Zerwas

Voting Nay: Nanko/Yeager and Iverson

Abstain: None

10. To consider authorizing a contract with Timesaver Off Site Secretarial, Inc. as recommended by Building Official Weck

A MOTION WAS MADE BY COUNCILMEMBER PETERSON SECONDED BY COUNCILMEMBER LUGERTO TO APPROVE A CONTRACT WITH TIMESAVER OFF SITE SECRETARIAL, INC. AS RECOMMENDED BY BUILDING OFFICIAL WECK

Voting Aye: Peterson, Luger, and Zerwas

Voting Nay: Nanko/Yeager and Iverson

Abstain: None

NEW BUSINESS:

11. To consider **Resolution 15-11-86** a resolution approving “Payment Voucher #1” To Phoenix Fabricators and Erectors, Inc. for Water Tower No. 3 Project (WSB Project 2591-07) (City Project 15-03) in the amount of \$368,856.58

City Engineer Erichson – We are recommending payment of payment voucher 1 – it is for work completed through October 30th. We are nearing completion for the season this week. Foundation for the tower is in and piles are driven there are a few rings that need to be completed for the tower. Construction will start again in May.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER LUGERTO TO APPROVE RESOLUTION 15-11-86 A RESOLUTION APPROVING “PAYMENT VOUCHER #1” TO PHOENIX FABRICATORS AND ERECTORS, INC. FOR WATER TOWER NO. 3 PROJECT (WSB PROJECT 2591-07) (CITY PROJECT 15-03) IN THE AMOUNT OF \$368,856.58

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

Voting Nay: None

Abstain: None

CLAIMS:

12. Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of November 5, 2015 through November 17, 2015

A MOTION WAS MADE BY COUNCIL MEMBER ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER TO CONSIDER AUTHORIZING PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF NOVEMBER 5, 2015 THROUGH NOVEMBER 17, 2015.

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

Voting Nay: None

Abstain:

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER- *Attended Congressman Rick Nolan's meeting at the Hallberg Center of the Arts.*

Attended Sewer Commission – *The MPCA has notified that we met all of necessary corrections at the plant. We changed our meeting time to 4:30pm. We had a discussion regarding Solar Farms and an applicant that wants to put solar on our property. Apex Solar has reduced the price on the engineering study from \$15,000 to \$4,680. The Sewer Commission wants to wait until the plan manager was back at the meeting before they made any decisions. Thanked everyone for coming.*

COUNCILMEMBER J. ZERWAS – *Attended Sewer Commission Negotiations for plant employees. Increased employee's salary at 2.5%, the same as union employees. Board approved the 2016 Budget.*

COUNCILMEMBER LUGER – *No Report*

COUNCILMEMBER IVERSON – *Attended meeting on November 10th with Congressman Nolan. Bob Dettmer spoke at WABA, spoke about Vets in Minnesota. Strongly suggested that we hire veterans. Would like to purchase a new projector for the council chambers and asked that council meeting audio be put on the city website.*

MAYOR PETERSON – *No report*

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER TO ADJOURN THE NOVEMBER 17, 2015 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL REGULAR MEETING AT 8:31PM

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

Voting Nay: None

Abstain: None

Absent: Zerwas

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
DECEMBER 1, 2015 - 7:00PM