

**APPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JUNE 18, 2013
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for June 18, 2013 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, Roger Elmore, Linda Nanko/Yeager, and Joe Zerwas

Absent: Steve Zerwas

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

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

Ben Montzka - Chisago County Commissioner – Discussed the issue of the federal surface transportation act. The County received about 1 million dollars a year for projects. Future disbursements will be cut by about 30%, so it will limit what the county can do. Chisago County will not have any current road projects cut at this time.

Jail Update – The County is now looking at jail that will hold 120 inmates at a price of 11 million dollars. The Jail would also include a new law enforcement center that would cost around \$4 or \$5 Million dollars. The County does not want to raise the levy to accomplish this project. Chisago County is currently one of the highest taxing counties depending on what study you listen too. The County is positioning itself to be viable for industry and compete for some of the new economic growth.

Transportation improvement plan – Roads that have been city roads could return to being county roads. Will be some changes in Highway system, County may look at taking roads back from the city. Unfortunately county funding of Nonprofits will be cut, Nonprofits must raise their own funds.

Dave Povolny, Mayor of Columbus – Wanted to talk about Forest Lake Contracting, asking not to put 5 ton limit on 250th St. He requested that the city of Wyoming work with Forest Lake Contracting.

Mayor Peterson – Questioned why Columbus will not look at south exit for truck traffic for the mining operation. Wyoming's concerns are street size and safety of residents.

Dave Povolny – It has been that way for 20 years and believes that road is not meant for truck traffic. It would be more work to send the contractor south. Forest Lake Contracting is a reputable contractor.

Administrator Mattson – At the Columbus Planning Commission meeting all possible accesses were discussed. They said that south access was favorable for costs, closer to 35, and easier to maintain for their future projects. South access provides a wider road and trucks can come in one way and out another lessening traffic. We are not looking to put any residential neighborhood at risks, all haul routes will preferably be on county or state highways that are designed for that type of traffic. 250th St. is a safety concern due to proximity of houses and closeness to the haul route.

Council Member Nanko/Yeager – Our roads will deteriorate, will Columbus give us money for the road?

Mayor of Columbus – Forest Lake Contracting has offered \$25,000 or more for bond. Mayor again asked that the city does not post 250th St.

“An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action may be 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”.

APPROVAL OF MINUTES:

1 To Consider approving the minutes of the “Work Session Meeting” of the Wyoming Minnesota City Council for June 3, 2013.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER J. ZERWAS TO APPROVE THE MINUTES OF THE “WORK SESSION MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JUNE 3, 2013.

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

Voting Nay: None

Abstain: None

2 To Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for June 4, 2013.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER NANKO/YEAGER, WITH THE CHANGE OF COUNCIL MEMBER NANKO/YEAGER VOTING “AYE” ON ITEM #9 AT THE JUNE 4, 2013 REGULAR MEETING, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JUNE 4, 2013.

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

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.

- 3 To confirm the **City Council** of The City of **Wyoming Does Not Waive** the **monetary limits on municipal tort liability established by Minnesota Statutes 466.04**. When renewing Liability Insurance Coverage with LMCIT (League of Minnesota Cities Insurance Trust).

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

- 4 Report of the Director of Public Safety, Paul Hoppe May 29 , 2013
- 5 Report of City Building Official, Fred Weck, IV for May 30, 2013
- 6 Report of City Attorney Mark Vierling for June 13, 2013
- 7 Report of the Wyoming Public Works Supt., Jason Windingstad for May 30, 2013
- 8 Report of City Engineer Mark Erichson, WSB for May 29, 2013

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ELMORE TO APPROVE CONSENT AGENDA ITEMS NUMBER #3 THROUGH #8 AS PRESENTED.

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

COMMUNICATIONS: Comfort Lake Forest Lake Watershed District Liaison Report

OLD BUSINESS: NONE

NEW BUSINESS:

- 9 To consider the **2012 Annual Audit of Funds – Wyoming Audit Management Letter, Wyoming Financial Report for fiscal year 2012 and Compliance Reports**. (Brad Falteysek, CPA – Abdo, Eick & Meyers LLP)

Brad Falteysek – Abdo Eick & Myers - Presented 2 reports –Management letter and Full 2012 Audit report. He stated that all accounting principles were in place and internal controls were good. He would like to see more internal controls, but that is based on the amount of staff. Fund balances looked healthy, building permits increased, water and sewer had an increase in cash but an operating loss. Water and sewer rates looked at by the rate study that is being conducted. Ratio analysis were strong compared to other cities in the peer group.

Council Member Nanko/Yeager – Noted that public safety was over budget in Vehicle maintenance. Also noted that the Fire donations has an \$8,500 dollar deficit.

Public Safety Director Hoppe – *There were no extended warranties on 2 cars in 2012, the Dodge Charger and Ford Crown Victoria. Each has \$4,000 of repairs done to them last year and another anomaly was two deer strikes causing damage to squad cars. Police and Fire donation funds were merged and that deficit should be closed out.*

Council Member Nanko Yeager – *Questioned the current funds in 885 and would like staff to look into why it has dropped slightly. Questioned why the water and sewer rates implemented as part of the study by Abdo Eick & Meyer have failed to make those accounts stronger.*

Brad Falteysek – *Would need to look at the rate study closer, assumptions were made about growth and that people would not be consuming less water.*

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO ADOPT THE 2012 ANNUAL AUDIT OF FUNDS – WYOMING AUDIT MANAGEMENT LETTER, WYOMING FINANCIAL REPORT FOR FISCAL YEAR 2012 AND COMPLIANCE REPORTS. (BRAD FALTEYSEK, CPA – ABDO, EICK & MEYERS LLP)

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

Voting Nay:

Abstain: None

- 10** To consider approving the position description for the **Office Assistant Intern** and approve the hiring of an intern at a rate of \$10.00/hour with an average of 28 hours a week with a duration of 6 months, with anticipation of budgeting for a receptionist/office assistant position for 2014

City Administrator Mattson – *This was filled a year ago by council as an unpaid position. The demand of work around city hall has been increasing. The position would work for the city until the end of 2013. The position's duties would entail receptionist work, building permits, data input, scanning and would help with the separation of controls for accounting procedures. We do have the funding due to absence of employees from city hall and public works.*

Council Member Nanko/Yeager – *Suggested an unpaid intern would may be the best solution. Asked if staff had contacted universities.*

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER PETERSON TO CONSIDER APPROVING THE POSITION DESCRIPTION FOR THE OFFICE ASSISTANT INTERN AND APPROVE THE HIRING OF AN INTERN AT A RATE OF \$10.00/HOUR WITH AN AVERAGE OF 28 HOURS A WEEK WITH A DURATION OF 6 MONTHS, WITH ANTICIPATION OF BUDGETING FOR A RECEPTIONIST/OFFICE ASSISTANT POSITION FOR 2014

Voting Aye: Elmore, Peterson and J. Zerwas

Voting Nay: Nanko/Yeager

Abstain: None

- 11** To consider adopting **Resolution 13-06-38** a resolution authorizing purchase of a SCOTT Eagle attack thermal imaging camera for a cost of \$6,300.00

Public Safety Director Hoppe – The Fire Department has 2 thermal imaging cameras that are about 10 years old. The department budgeted \$10,000 to refurbish them this year. When examined closer they felt a new camera purchase would better serve the city. The cameras are used to make sure fires are out and for search and rescue. The old cameras will be given to the Police Department for searches or when pursuing suspects. One thermal camera will be purchased this year and in 2014.

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER ELMORE TO CONSIDER ADOPTING RESOLUTION 13-06-38 A RESOLUTION AUTHORIZING PURCHASE OF A SCOTT EAGLE ATTACK THERMAL IMAGING CAMERA FOR A COST OF \$6,300.00

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

Voting Nay:

Abstain: None

- 12** To consider adopting **Resolution 13-06-39** a resolution approving a rezoning from the Rural Residential I (R1) District to the Office and Health Care (OHC) District at Property Identification 21.11119.00

Building Official Weck – The Planning commission held a public hearing with no comment. The rezone matches the comprehensive plan and the planning commission recommended approval.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO CONSIDER ADOPTING RESOLUTION 13-06-39 A RESOLUTION APPROVING A REZONING FROM THE RURAL RESIDENTIAL I (R1) DISTRICT TO THE OFFICE AND HEALTH CARE (OHC) DISTRICT AT PROPERTY IDENTIFICATION 21.11119.00

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

Voting Nay:

Abstain: None

- 13** To consider adopting **Resolution 13-06-40** a resolution approving a conditional use permit to allow the construction of a dialysis clinic located at property identification number 21.11119.00

Building Official Weck – This was the 2nd public hearing for dialysis clinic. The planning commission recommended approval with conditions in Fred Weck's report. The city received plans for the building and will determine the WAC/SAC fees.

Council Member Nanko/Yeager – Asked if there be windows in the back of the building or walking paths

David Kordenowy – Steiner Development – Right now they have 5 windows for the North elevation overlooking the wooded area but no walking paths at this time.

City Attorney Vierling – One question that needs to be answered is how the utilities will be done for the future development. We do not require an escrow currently for grading plans since they have been managed with a development agreement. Engineering does have some questions in regards to filtration ponds, street sweeping and MNDOT issues that would be taken care of with a development agreement.

David Kordenowy – Steiner Development – Suggested they would be open to a development agreement.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER TO CONSIDER ADOPTING RESOLUTION 13-06-40 A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A DIALYSIS CLINIC LOCATED AT PROPERTY IDENTIFICATION NUMBER 21.11119.00

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

Voting Nay:

Abstain: None

- 14** To consider appointing **Steven Bubul of Kennedy and Graven as Bond Counsel** for the City of Wyoming

Administrator Mattson – Clarification that Kennedy and Graven would represent the city as bond counsel for the upcoming bond referendum. Eckberg and Lammers is the city's Municipal Attorney and Kennedy and Graven would be bond council.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ZERWAS TO CONSIDER APPOINTING STEVEN BUBUL OF KENNEDY AND GRAVEN AS BOND COUNSEL FOR THE CITY OF WYOMING

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

Voting Nay:

Abstain: None

CLAIMS:

- 15** To consider **authorizing payment of recommended bills, payroll and Journal Entries for the period of June 5, 2013 through June 18, 2013.**

A MOTION WAS MADE BY COUNCILMEMBER ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF JUNE 5, 2013 THROUGH JUNE 18, 2013.

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

Voting Nay: None

Abstain: None

STRET WEIGHT RESTRICTION UPDATE

City Administrator Mattson – Asked council to direct staff to prepare an amendment to city ordinance to make certain roads 5 ton limit roads according to a map that has been created.

Public Safety Director Hoppe – Currently no weigh stations close enough to Wyoming to weigh trucks offending the weight limits. We can request CVI portable scales from state patrol and the county scale for saturations. Please make sure the ordinance written so it is self-explanatory and easily enforceable.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS, TO DIRECT STAFF TO POST ROADS AT 5 TONS IN ACCORDANCE WITH THE MAP PROVIDED AND TO CREATE AN AMMENDMENT TO THE CITY ORDINANCE TO RELFECT WEIGHT RESTRICTIONS ON CITY STREETS.

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

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER

Attended EDA Meeting – listened to a promotion for a community video profile for \$2,750.00. Staff is working with the County to see if HRA/EDA will help. The EDA Assigned teams for the BRE interviews and reviewed the EDA’s marketing plan.

COUNCILMEMBER J.ZERWAS

Attended Joint sewer commission meeting – The Joint sewer will be bonding for 1 Million Dollars. They have not yet sent out requests to the city but the city should receive a resolution to pass in the near future.

COUNCILMEMBER ELMORE

NONE

COUNCILMEMBER S.ZERWAS

NONE

MAYOR PETERSON

NONE

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER ELMORE TO ADJOURN THE JUNE 18, 2013 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:45 P.M.

*Voting Aye: Elmore, Nanko/Yeager, Peterson, 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
JULY 2, 2013***