

**UNAPPROVED MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
OCTOBER 15, 2013
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for October 15, 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, Linda Nanko/Yeager, Steve Zerwas, Roger Elmore and Joe Zerwas

Also Present: Mark Vierling - Eckberg Lammers, Mark Erichson-City Engineer-WSB, Jason Windingstad, Public works Superintendent, Robb Linwood-Assistant City Administrator, Craig Mattson-City Administrator 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 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".

Ben Montzka, Chisago County Commissioner –*Report on Chisago County, the levy is a \$50,000 cut, which is year number 6 in a row that a cut has been made. Commissioners are looking at more ways to make cuts. The County Board is still looking at a new jail and looking at facilities and trying to accomplish that without a levy impact. County road 30 is on track, funded and we are looking forward to it. The bridge on 36 and been put on notice that fracking trucks cannot use it. It needs some fixes to make sure it can handle weights.*

Council Member Nanko/Yeager – *Possibly re-doing the bike trails, I notice when I ride my bike the surface is getting very rough.*

Mayor Peterson – *Agreed that they are deteriorating.*

County Commissioner Montzka – *We are looking at a grant that we may do a mill and overlay on the trail, we are hopeful repairs may be done next year.*

Dan Babbitt – *Questioned Water/Sewer rate increase?*

City Administrator Mattson – *The first study done in 2009 did not include all of the capital*

expenditures as recorded, it did not cover lift stations, wells and water towers in the cost of the rates.

Dan Babbitt – do companies have to pay to hook up to water and sewer?

City Engineer Erichson – Responded yes

Dan Babbitt – City of Oak Grove article in Forest Lake Times, hopes the city council will look at it and take it to heart.

APPROVAL OF MINUTES:

- 1 To consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for October 1, 2013.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER S. ZERWAS TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL FOR SEPTMEBER 17, 2013.

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

Voting Nay: None

Abstain: None

SCHEDULED BID LETTINGS: NONE

SCHEDULED PUBLIC HEARINGS:

- 2 To consider adopting **Resolution No. 13-10-61** A Resolution **adopting and confirming assessments for the Fallbrook Avenue Street and Utility Improvements** (City Project No. 2012-01)

Opened public hearing at 7:16

City Engineer Erichson – Introduced a PowerPoint presentation that gave overview of the Fallbrook Avenue project.

Ken Anderson – on the assessable footage, this is a 1700 ft. project?

City Engineer Erichson - Assessment roll it says 2700 ft. The actual frontage on the parcels is assessed. Each of the properties involved in the improvements is actual frontage.

Ken Anderson – was there something on the North Western that was not figured, B&N sheet metal?

City Engineer Erichson – They paid their portion through the first project.

Close the public hearing 7:27

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER NANKO/YEAGER TO CLOSE THE PUBLIC HEARING FOR THE FALLBROOK AVENUE STREET AND UTILITY IMPROVEMENTS

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

Voting Nay: None
Abstain: None

Council Member Steve Zerwas – Who sets the interest rate?

City Administrator Mattson – we usually give ourselves 2%, you are attempting to recover any costs for deferred assessments. 5% is the standard rate we use on other projects.

Council Member Nanko/Yeager – Questioned where will the money come from on the city portion?

City Administrator Mattson – 880 street reconstruction fund and some is MSA reimbursable.

City Engineer Erichson – Surface water management as well

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER J. ZERWAS ADOPTING RESOLUTION NO. 13-10-61 A RESOLUTION ADOPTING AND CONFIRMING ASSESSMENTS FOR THE FALLBROOK AVENUE STREET AND UTILITY IMPROVEMENTS (CITY PROJECT NO. 2012-01)

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

- 3 To consider adopting **Resolution No. 13-10-62** a Resolution **accepting the work and approving final payment of \$5000.17 for the TH 61 Cooperative Agreement Improvements** (City Project No. 12-02)

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER ELMORE ADOPTING RESOLUTION NO. 13-10-62 A RESOLUTION ACCEPTING THE WORK AND APPROVING FINAL PAYMENT OF \$5000.17 FOR THE TH 61 COOPERATIVE AGREEMENT IMPROVEMENTS (CITY PROJECT NO. 12-02)

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

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

- 4 Report of the Director of Public Safety, Paul Hoppe October 10 , 2013
- 5 Report of City Building Official, Fred Weck, IV for October 9, 2013
- 6 Report of City Attorney Mark Vierling for October 10, 2013

- 7 Report of the Wyoming Public Works Supt., Jason Windingstad for October 10, 2013
- 8 Report of City Engineer Mark Erichson, WSB for October 10, 2013

A MOTION WAS MADE BY COUNCILMEMBER S ZERWAS SECONDED BY COUNCILMEMBER ELMORE TO APPROVE CONSENT AGENDA ITEMS NUMBER #3 THROUGH #8 AS PRESENTED

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

COMMUNICATIONS:

OLD BUSINESS: NONE

NEW BUSINESS:

- 9 To consider adopting **Resolution 13-10-58** a resolution an **Interim Use Permit to allow a Residential Kennel** for up to **six (6) Dogs located at 6679 262nd Street**

*Building Official Weck – the applicant has 4 dogs now and does have 2 more that visit.
Planning Commission recommended approval.*

Council Member Nanko/Yeager – Were problems with barking dogs?

Building Official Weck – In the initial complaint, none since.

Council Member Elmore – Neighborhood full of dogs, this gentleman is taking care of some and has 4 and 1 has cancer so he will be down to 3 soon.

Council Member Joe Zerwas – no dog attacks have taken place?

Council Member Elmore – Dog owner was told that if there were a number of complaints the kennel permit can be revoked

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER ADOPTING RESOLUTION 13-10-58 A RESOLUTION AN INTERIM USE PERMIT TO ALLOW A RESIDENTIAL KENNEL FOR UP TO SIX (6) DOGS LOCATED AT 6679 262ND STREET

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

- 10 To consider adopting **Resolution 13-10-59** a resolution **certifying the unpaid utility bills and city services invoices** of the certain **residents and businesses contained on the attached list to property taxes for collection in 2014.**

Council Member Nanko/Yeager – Noticed some duplications and there are more than in the past?

Administrator Mattson – once the letter is sent out, people pay and the list drops and the

duplications may be from people moving in and out of a residence.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS ADOPTING RESOLUTION 13-10-59 A RESOLUTION CERTIFYING THE UNPAID UTILITY BILLS AND CITY SERVICES INVOICES OF THE CERTAIN RESIDENTS AND BUSINESSES CONTAINED ON THE ATTACHED LIST TO PROPERTY TAXES FOR COLLECTION IN 2014.

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

- 11 To consider adopting Resolution 13-10-60 a resolution awarding a contract for the mowing/lawn and property maintenance services of the City of Wyoming to J&H Outdoor Services for 2014 and 2015 for a total amount of \$45,990.00**

***Public Works Superintendent Windingstad** – Every two years the city of Wyoming goes out for park mowing, right of way mowing, lift stations etc. J & H did it two years ago and Swenson's lawn care currently provides the service. His recommendation is to award to J & H for 2014 and 2015.*

***Council Member S. Zerwas** – good news that it was cheaper than two years ago. Is it normal practice to only go to more than 2 businesses?*

***Public Works Superintendent Windingstad** - We did contact other company's for bids but received little interest from other companies.*

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER ADOPTING RESOLUTION 13-10-60 A RESOLUTION AWARDED A CONTRACT FOR THE MOWING/LAWN AND PROPERTY MAINTENANCE SERVICES OF THE CITY OF WYOMING TO J&H OUTDOOR SERVICES FOR 2014 AND 2015 FOR A TOTAL AMOUNT OF \$45,990.00

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

- 12 To consider funding options to finalize site work to be completed at the Goodview Skate Park**

***Public Works Superintendent Windingstad** – budgeted amount has gone over \$150,000. To put down grass we need 420 cubic yards of black dirt, we need fencing for liability from snowmobiles. Irrigation is necessary as well to maintain the grass in the area. Would like direction from council how to move forward. Do you want these items to wait until next year?*

***Council Member Elmore** – The Park Board would like to keep irrigation continued in the park. It is part of the south field and it would be more costly to replace the grass than just simply irrigate it. I think the fencing is necessary to keep the snowmobiles and ATVs from going on there and people getting hurt.*

***Administrator Mattson** – when you look at the fencing, possibly some other option than split rail. If you are out there repairing it all the time you have to take into account all of the*

maintenance costs when you select it.

Linda Nanko/Yeager – *disappointed this is we are looking at another \$9,000 for work on this item. Irrigation – do we need a soft carpet of grass? Not in favor of irrigating. Are there other grass varieties?*

Mayor Peterson – *You can get the best grass but you need irrigation. We built this park first class, finish the job and move on.*

Administrator Mattson – *You could put a cap on what will be spent to finish the project.*

Council Member Nanko/Yeager - *would be in favor for taking out the split rail fencing option.*

Council Member Joe Zerwas – *Would like to see snow fence for this year.*

Council Member Elmore – *Would rather see it completed with the split rail fence. Finish the dirt and irrigation and complete the project.*

Council Member Steve Zerwas – *Is there any other alternatives on the fence? Treated deck fencing, or is there any items that are maintenance free.*

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER ELMORE TO USE PARK FUND 850 CIP TO PAY FOR DIRTWORK, SEED AND IRRIGATION NOT TO EXCEED \$8,000.00 TO FINISH THE SITE WORK AT THE GOODVIEW SKATE PARK

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

- 13 To consider funding options for overlays for areas located on 264th Street and Forli Avenue in the amount of \$20,913.00**

Public Works Superintendent Windingstad – *Staff has identified 3 areas of concern, two of them on 264th St. and Forli Avenue just south of 22. These areas have been patched multiple times this year. We would take fund from crack and sealcoating to finish these areas of patch overlay. These areas would last until 2020 until we can complete the streets as planned.*

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER TO FUND OVERLAYS FOR AREAS LOCATED ON 264TH STREET AND FORLI AVENUE IN THE AMOUNT OF \$20,913.00

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

CLAIMS:

- 14 To consider authorizing payment of recommended bills, payroll and Journal Entries for**

the period of October 2, 2013 through October 15, 2013.

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF OCTOBER 2, 2013 THROUGH OCTOBER 15, 2013.

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER

Attended EDA Meeting – Presented 4th quarter business appreciation award to Bills Auto Body. Continued work for Marketing Plans for the EDA. Thanked everyone for coming.

COUNCILMEMBER J.ZERWAS

No Report

COUNCILMEMBER ELMORE

No Report

COUNCILMEMBER S.ZERWAS

No Report

MAYOR PETERSON

Attended EDA Meeting

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS SECONDED BY COUNCILMEMBER ELMORE TO ADJOURN THE OCTOBER 15, 2013 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:15 PM

Voting Aye: Nanko/Yeager, Peterson, S. Zerwas, Elmore 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
NOVEMBER 5, 2013