

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
AUGUST 16, 2011
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for August 16, 2011 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, Joe Zerwas and Steve Zerwas.
Absent: None*

DETERMINATION OF A QUORUM:

The Mayor determined a Quorum was present.

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 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".

Jerry Owens (25717 Gramford Avenue) was present to tell the City Council the August 2 National Night Out was a great success.

Sheri Vincent (5844 268th Street) was present to announce the planting Saturday, August 20, 2011, planting at the Giese Memorial Library starting at 9:00 am. The Library Society will be providing pizza and snacks. Volunteer must sign up by Thursday, August 18, 2011. Vincent also requested to speak on agenda item 12.

Ted Phillips (5900 259th Street) was present to request to speak on agenda item 13.

John Peterson (8326 Wyoming Trail also requested to speak on agenda item 13.

Mike Soule also requested to speak on agenda item 13.

APPROVAL OF MINUTES:

- 1 To consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for August 2, 2011.**

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER L. NANKO/YEAGER, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR AUGUST 2, 2011.

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

Voting Nay: None

SCHEDULED BID LETTINGS:

2 To consider adopting Resolution No. 11-08-40 a resolution awarding the 2011 Seal Coating Project.

Engineer M. Erichson stated the bids were opened Tuesday, August 18, 2011. The budget for Seal Coating was at \$100,000, because of this the number of roads for Seal Coating was reduced. The City Engineer M. Erichson reviewed the quotes and has recommended Allied Blacktopping to do the Seal Coating for \$98,738.98.

A MOTION WAS MADE BY COUNCILMEMBER R. ELMORE, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ADOPT RESOLUTION NO. 11-08-40 A RESOLUTION AWARDING THE 2011 SEAL COATING PROJECT TO ALLIED BLACKTOPPING IN THE AMOUNT OF \$98,738.98.

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

Voting Nay: None

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.

3 To consider authorizing payment for the Annual Membership Renewal to the Forest Lake Area Chamber of Commerce through July 31, 2012 - \$300.

The City Council questioned if a Council member should be appointed to the Forest Lake Area Chamber of Commerce as the City's representative. Also the City Council would like the Forest Lake Chamber of Commerce to attend a City Council meeting and give a presentation. About the advantages of the City becoming a member.

A MOTION WAS MADE BY L. NANKO/YEAGER, SECONDED BY J. ZERWAS, TO TABLE THIS AUTHORIZATION UNTIL THE FOREST LAKE CHAMBER OF COMMERCE CAN GIVE A PRESENTATION TO THE CITY COUNCIL.

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

Voting Nay: None

Abstain: None

4 To consider adopting Resolution No. 11-08-41 a resolution authorizing the Disposal of Surplus Property – two unclaimed impounded vehicles by on-line auction through Minnesota Surplus Website.

5 To consider adopting Resolution No. 11-08-42 a resolution approving "Payment Pay Voucher #1" to Chisago County for City's portion of TH61/CSAH 22 Signal Project (SAP 13-622-08) in the Amount of \$66,000.

At the time of the installation of the traffic light Chisago County and MNDot requested the City of Wyoming become involved to help finance the project. Engineer Erichson stated the City of Wyoming agreed to commit \$75,000 of MSA Funds to the construction project. This resolution is a request for partial payment of those funds \$66,000 at this time. The payment will be reimbursed from the State Municipal Street Aide Account.

A MOTION BY L. NANKO/YEAGER, SECONDED BY S. ZERWAS, TO APPROVE CONSENT ITEM FIVE (5) AS PRESENTED.

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

Voting Nay: None

Abstain: None

6 To Consider adopting Resolution No. 11-08-43 a resolution authorizing City Staff to Transfer certain Funds by Journal Entry effective August 16, 2011

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

7 Report of the Wyoming Police Chief, Paul Hoppe for August 10, 2011

8 Report of City Building Official, Fred Weck, IV for August 10, 2011

9 Report of City Attorney Mark Vierling for August 10, 2011

10 Report of City Engineer Mark Erichson, WSB for August 10, 2011

11 Report of the Wyoming Public Works Supt., Jason Windingstad for August 10, 2011

A MOTION WAS MADE BY COUNCILMEMBER R. ELMORE, SECONDED BY COUNCILMEMBER L. NANKO/YEAGER, TO APPROVE CONSENT AGENDA ITEMS #4, #6 THROUGH 11# AS PRESENTED, AND PULLING #3 AND #5 FOR DISCUSSION.

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

Voting Nay: None

Abstain: None

COMMUNICATIONS:

OLD BUSINESS: NONE

NEW BUSINESS:

12 To consider authorizing the Public Works Department to install the Informational Park Sign funded by SHIP on the SW Corner of the Giese Memorial Library Grounds as recommended by the Wyoming Park & Recreation Board and Chisago County Admin.

Sheri Vincent (5844 268th Street) a member of the Wyoming Area Library Society was present to inform the City Council her views on the informational sign placement. Vincent stated if the sign is promoting parks and trails why not place it on the Sunrise River Trail. Vincent would the City Council to reconsider placing the sign at the Giese Memorial Library and place it at the Sunrise River Trail.

Darrel Vincent (5844 268th Street) was present to inform the City Council that John Moosey (Chisago County Administrator) gave his permission to place the sign at the Sunrise River Trail.

Councilmember R. Elmore stated the Park and Recreation Board considered two (2) locations for the sign, at the Giese Memorial Library and at the Sunrise River Trail. Because of vandalism concerns the Park and Recreation Board decided to place the informational sign on the North East corner of the Giese Memorial Library.

Ben Montzka (Chisago County Commissioner) stated Chisago County only owns the land the Giese Memorial Library sits on. The City of Wyoming owns the remainder of the land.

Councilmember L. Nanko/Yeager stated there should be a park location sign at every park in the City of Wyoming.

Administrator Mattson stated every project should come before the Wyoming City Council. If the City of Wyoming has to maintain the sign we have not been told and actually don't have the staff to maintain them. Administrator Mattson has not seen the sign. There is a great importance of communication and items like this should always come before the Wyoming City Council in the planning stages for approval.

A MOTION WAS MADE BY COUNCILMEMBER L. NANKO/YEAGER, SECONDED BY COUNCILMEMBER J. ZERWAS, TO TABLE THE PLACING OF THE INFORMATIONAL PARK SIGN RECOMMENDED BY THE WYOMING PARK & RECREATION BOARD AND CHISAGO COUNTY ADMINISTRATION UNTIL THE WYOMING AREA LIBRARY SOCIETY AND THE WYOMING PARK AND RECREATION BOARD CAN MEET AND AGREE ON A LOCATION FOR THE INFORMATION SIGN.

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

Voting Nay: None

Abstain: None

13 To consider setting the date & time for a Public Hearing to consider approval of the Tax Abatement recommendation of the Wyoming EDA for Peterson Companies.

John Peterson (8326 Wyoming Trail) was present to discuss his request for Tax Abatement on his new construction project which is replacing the previous building that was destroyed by a fire. Peterson stated at the Economic Development Authority meeting the final decision was a 4 – 2 vote to grant Peterson Companies a Tax Abatement of \$6,000 per year for five years for a total of \$36,000. Peterson Companies requested \$1,000 in taxes per year for 10 years for a total of \$10,000 while receiving a Tax Abatement of \$5,000 per year for ten years for a total of \$50,000.

Ted Phillips (Economic Development Authority President) stated the Economic Development Authority decided a Tax Abatement would have to benefit the City of Wyoming and this request would not. Abating the taxes for Peterson Companies would put his portion of the taxes on the City of Wyoming residents. This abatement would be setting precedence in how and who the City of

Wyoming gives Tax Abatements to in the years to come.

Mike Soule (Economic Development Member) stated at the Economic Development Authority the vote was 4 – 2 which passed the Tax Abatement.

Jerry Owens (Economic Development Authority Member) stated the City of Wyoming needs to help this company to keep it in our City.

Chris Eng (Chisago County HRA) stated if the City of Wyoming moves forward with the Tax Abatement the City would have to hold a public hearing to discuss and make a final decision for the Tax Abatement.

George McMahon (Chisago County Commissioner) stated the Chisago County Board will try to keep this business in the Chisago County area.

Administrator Mattson stated the Public Hearing will allow the City Council to receive accurate information on how the Abatement is calculated and assessed against tax payers in the City as well as possibly receive input from the community on their thoughts.

A MOTION WAS MADE BY MAYOR PETERSON, SECONDED BY COUNCILMEMBER _____, TO APPROVE SETTING A PUBLIC HEARING TO CONSIDER APPROVAL OF THE TAX ABATEMENT RECOMMENDATION OF THE WYOMING EDA FOR PETERSON COMPANIES WITH A NOT TO EXCEED AMOUNT OF \$45,000 FOR SEPTEMBER 6, 2011 AT THE REGULAR CITY COUNCIL MEETING AT 7:00 PM.

The motion failed due to lack of a second.

14 To consider adopting Resolution No. 11-08-44 a resolution allowing and approving the assignment of the Cable Franchise and System now operated by US Cable of Coastal – Texas, L.P. to Midcontinent Communications.

Attorney Vierling stated he has reviewed the materials that US Cable and Midcontinent provided. Midcontinent did not submit any meaningful review of the financials. Following the transfer US Cable will no longer exist so it will be difficult for US Cable to fulfill and guarantee the Franchise Agreement. Attorney Vierling recommends the City of Wyoming does not release US Cable from the Franchise Agreement. US Cable cannot guarantee the work of Midcontinent.

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER L. NANKO/YEAGER, TO TABLE THIS AGENDA ITEM UNTIL ATTORNEY VIERLING HAS THE LANGUAGE IN THE RESOLUTION HE IS COMFORTABLE WITH.

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

Voting Nay: None

Abstain: None

15 To consider approving the proposal from Springsted, Inc. to prepare a Financial Feasibility Study for the Wyoming 10 year Capital Improvements Plan - \$12,500.

Engineer Erichson and the City Staff have been working on a Capital Improvement Plan to help with future budget planning. The Capital Improvement Plan and the Pavement Management System are key components for the Financial Plan and the future growth of the City of Wyoming. Springsted could provide the City with a financial outline of how to finance the Capital Improvement Plan

through the budget. The City of Wyoming's financial plan is not necessarily going to change drastically. The funding for this project would be recovered as part of future project costs. No action was taken at this time.

CLAIMS:

16 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of August 3, 2011 through August 16, 2011.

A MOTION WAS MADE BY COUNCILMEMBER L. NANKO/YEAGER, SECONDED BY COUNCILMEMBER J. ZERWAS, TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF AUGUST 3, 2011 THROUGH AUGUST 16, 2011.

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER

- Attended the Economic Development Authority, where the discussed the Peterson Companies Tax Abatement. Also heard updates on TIF 3-3 and the work plans.
- Attended the Rush Line Meeting – The St Paul Bus (Route 285) has changes; Additional stop at Regions Hospital. Route adjustments to provide better access to capitol complex. Discussed continuing service for another year. Steady overall growth in ridership. Overestimated cost of service (First Transit bid significantly lower) resulting in enough money to fund a second year of service.
- Task Force voted to ask the counties to allow the unused portions of their original funding to be used for a second year of operation.
- Attended National Night Out

COUNCILMEMBER ZERWAS

- Attended the Joint Sewer Commission meeting. Reviewed the budget and the motor fuels and utilities are way out of line.

COUNCILMEMBER ELMORE – No report at this time

COUNCILMEMBER ZERWAS

- Attended National Night Out and the Joint Sewer Commission. Discussed the odor monitoring plans are being put in numerous sites. Only one in Wyoming in the beginning of the line and the end of the line.

MAYOR PETERSON

- Attended National Night Out and the Economic Development meeting.

There will be a budget workshop on August 29, 2011 at 2:00 pm at the Wyoming Municipal Building.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER L. NANKO/YEAGER, TO ADJOURN THE AUGUST 16, 2011 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 9:00 P.M.

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

_____, Deputy Clerk