

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
SEPTEMBER 6, 2011
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for September 6, 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".

Richard Arras (26578 Everton Circle) was present to support the funding for street and road reconstruction. Arras stated the City needs to plan ahead for these repairs.

Arnold Lahd (26541 Everton Circle) was present to state his view on the pavement management for the reconstruction of streets in the City of Wyoming. He stated the discussions for the pavement management started in 1996 and nothing has been done on the streets.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for August 16, 2011.**

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR AUGUST 16, 2011 WITH THE FOLLOWING CORRECTIONS; ITEM #5 RESOLUTION NO. 11-08-42 THE \$66,000 WAS THE FULL PAYMENT NOT PARTIAL. ITEM #6 THE EDA VOTED 4-2 ON A GRANT OF 30,000 TAX ABATEMENT NOT 36,000.

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

SCHEDULED BID LETTINGS:

- 2 To consider adopting Resolution No. 11-09-44 a resolution awarding the 2011 Patching/Overlay Project (Bids due 10:00 am 9/6/11 tabulations will be presented at the meeting).**

Engineer Justin Nestler (WSB Engineering) was present to inform the City Council they have received 3 bids for the 2011 Patching/Overlay project. The lowest bid was from North Valley Asphalt in the amount of \$42,625. At this time the Engineer Nestler would recommend awarding North Valley Asphalt the Patching/Overlay Project. All bids were for the same work and guidelines.

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE ADOPTING RESOLUTION NO. 11-09-44 A RESOLUTION AWARDING THE 2011 PATCHING/OVERLAY PROJECT TO NORTH VALLEY ASPHALT IN THE AMOUNT OF \$42,625.

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 authorize payment of Membership Dues to the League of Minnesota Cities (LMNC) for 2011/12 in the amount of \$6,527.00.**
- 4 To consider adopting Resolution No. 11-09-45 a resolution declaring certain surplus property (seized firearms) for disposal and authorizing the Wyoming Police Department to dispose of the Firearms through sale to an authorized dealer.**
- 5 To consider setting a Special City Council Meeting on September 13, 2011 at 7:00 PM for the purpose of adopting the proposed tax Levy for the "Truth in Taxation" Hearing and setting the date and time of the "Truth in Taxation" Hearing as December 6, 2011 at 7:00 P.M..**

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

- 6 Report of the Wyoming Police Chief, Paul Hoppe for August 31, 2011**
- 7 Report of City Building Official, Fred Weck, IV for August 31, 2011**
- 8 Report of City Attorney Mark Vierling for August 31, 2011**

Attorney Vierling stated as of the submittal of his City Council report he had no contact with US Cable. On Thursday September 1, 2011 he received a packet from them. Attorney Vierling is still waiting on the approval of transfer. The response may be later next week; approval may be on the September 20, 2011 regular City Council meeting.

A MOTION WAS MADE BY NANKO/YEAGER, SECONDED BY J. ZERWAS, TO APPROVE NUMBER 8 AS PRESENTED.

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

Voting Nay: None

Abstain: None

9 Report of City Engineer Mark Erichson, WSB for August 31, 2011

COMMUNICATIONS:

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE CONSENT AGENDA ITEMS #3 THROUGH #7 AND #9 AS PRESENTED. PULL #8 AND ILIMINATE #6.

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

Voting Nay: None

Abstain: None

OLD BUSINESS: NONE

NEW BUSINESS:

10 To consider Adopting Resolution No. 11-09-46 Granting a Variance from Sec. 40-460, (4), (b), to allow an impervious surface area of seventy-four percent (74%) instead of the maximum allowed fifty percent (50%) to Rosenbauer Motors at 5190 260th Street as recommended by the Wyoming Planning Commission.

The Planning Commission has reviewed the application and held a Public Hearing in accordance with the ordinance and laws of the State of Minnesota. The Planning Commission recommends the approval of the variance with the following conditions:

- That the site shall be developed in substantial compliance with the approved sit plan.
- That the City Engineers comments in the letter dated August 18, 2011 are addressed prior to work commences on the site.
- That the president of Hallberg, Inc. or one of its officers signs and fills in the owner information on the variance application before work commences on the site, or before October 3, 2011. If this condition has not been complied with by October 3, 2011 this variance approval shall be null and void.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ADOPT RESOLUTION NO. 11-09-46 GRANTING A VARIANCE FROM SEC. 40-460, (4), (B), TO ALLOW AN IMPERVIOUS SURFACE AREA OF SEVENTY-FOUR PERCENT (74%) INSTEAD OF THE MAXIMUM ALLOWED FIFTY PERCENT (50%) TO ROSENBAUER MOTORS AT 5190 260TH STREET AS RECOMMENDED BY THE WYOMING PLANNING COMMISSION.

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

Voting Nay: None
Abstain: None

11 To consider authorizing the Wyoming Police Department to adopt a City Owned Handgun Policy and Purchase Hand Guns for Licensed Officers at a cost of \$11,849.00.

Police Chief Hoppe stated the Police Department is at this time requesting to transition from officer owned weapons to Police Department owned weapons. Under the current practice officers are required to purchase their own handguns. With this practice the officers could modify their weapons and add accessories, or change the models of handgun at their own discretion with very little oversight by the department. This policy will also mandate the regular inspection or general maintenance schedule of the weapons. A committee was formed to test and evaluate 6 weapons from Glock, Smith & Wesson and Sig Sauer all respected manufacturers. The weapon selected was the Sig Sauer P220 .45 cal. Police Chief Hoppe stated this is a budgeted 2011 capital improvement item which has a balance of \$45,709.76. The department will purchase 12 guns; one for each officer and one department spare when a weapon is out of service. Total expenditure for the weapons and accessories will be \$11,849.00.

A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO AUTHORIZE THE WYOMING POLICE DEPARTMENT TO ADOPT A CITY OWNED HANDGUN POLICY AND PURCHASE HAND GUNS FOR LICENSED OFFICERS AT A COST OF \$11,849.00.

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

12 To consider adopting the Cell Phone Policy and Cell Phone Allowance Agreement, and to develop a reimbursement policy for Cell Phone use of personal cell phones by employees for city purposes.

This item was removed to gather more information and implementation of the policy.

13 To discuss Surface Water Management Plan (Discuss Recommendation of the Wyoming Planning Commission for direction)

City Engineer Justin Nestler stated the Planning Commission discussed the Surface Water Management Plan at their August 23, 2011 meeting. The recommendation of the Planning Commission was to bring phase I to the City Council for approval. Phase I includes numbers 1, 2, 3, 5, and 9.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE PHASE I INCLUDING ITEMS 1, 2, 3, 5 AND 9 OF THE SURFACE WATER MANAGEMENT PLAN RECOMMENDATION OF THE WYOMING PLANNING COMMISSION.

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

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER J. ZERWAS, TO SCHEDULE A PUBLIC HEARING ON OCTOBER 4, 2011 AT 7:00 PM AT THE REGULAR CITY COUNCIL MEETING TO DISCUSS THE SURFACE WATER FEE

SCHEDULE AND EXPANDING THE SURFACE WATER UTILITY FEE TO THE ENTIRE CITY (FORMER TOWNSHIP).

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

Voting Nay: None

Abstain: None

CLAIMS:

14 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of August 17, 2011 through September 6, 2011.

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 AUGUST 17, 2011 THROUGH SEPTEMBER 6, 2011.

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER

Attended the Library's Garden Planting Day. About 35 volunteers helped plant the new gardens. Attended the Planning Commission meeting where the Surface Water Management Plan was presented. Attended the Budget workshop.

COUNCILMEMBER J. ZERWAS

No report at this time.

COUNCILMEMBER ELMORE

No report at this time.

COUNCILMEMBER S. ZERWAS

Attended the Budget Workshop meeting. Also, attended the Highway Task Force meeting on August 22, 2011. They discussed the Highway 8 mill and fill which will be complete from Forest Lake to Chisago City. The mill and fill on Interstate 35 had to be redone because of sink holes, will need pipe work and additional asphalt. Interstate 35E going south will be completed this year but, Interstate 35E north will not be complete until next year. The Forest Lake overpass will be completed this year and they will be adding a left turn lane on Highway 8 and County Road 26 at the Hazelton Exit.

MAYOR PETERSON

Attended the Rain Garden planting and the Budget Workshop meeting.

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ADJOURN THE SEPTEMBER 6, 2011 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 8:34 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 _____,