

**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
FEBRUARY 8, 2012  
7:00 PM**

**CALL TO ORDER:**

*Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for February 8, 2012 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".*

**"Swear in Police Officer Samantha Roeder"**

Mayor Peterson swore in Samantha Roeder as a City of Wyoming Police Officer.

**APPROVAL OF MINUTES:**

- 1 Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota City Council for January 17, 2012.**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER J. ZERWAS, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JANUARY 17, 2012.**

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

- 2 To consider accepting the Annual Activity Report of the Wyoming Fire Department for 2011**
- 3 To consider authorizing the purchase of Replacement Turnout Gear (five sets) at a cost of \$9,572.50 (\$1,914.40 per set of turn out gear).**
- 4 To consider adopting Resolution No. 12-02-10 a resolution receiving the Feasibility report and calling for a Public Improvement hearing for Fallbrook Avenue North of 264<sup>th</sup> Street on February 21, 2012 at 7:00 PM.**

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

- 5 Report of the Wyoming Police Chief, Paul Hoppe for February 1, 2012**
- 6 Report of the Wyoming Public Works Supt., Jason Windingstad for February 1, 2012**
- 7 Report of City Building Official, Fred Weck, IV for February 1, 2012**
- 8 Report of City Attorney Mark Vierling for February 1, 2012**
- 9 Report of City Engineer Mark Erichson, WSB for February 1, 2012**

**COMMUNICATIONS:**

*"Acknowledge receipt of letter from St. Croix Valley Foundation regarding meeting of February 25, 2012 (9:00 am to Noon) at North Branch Area Library".*

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER S. ZERWAS, TO APPROVE CONSENT AGENDA ITEMS #2 THROUGH #9 AS PRESENTED.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

- 10 To consider adopting Resolution No. 12-02-11 a resolution adopting the Memorandum of Understanding between the City of Wyoming (City) and Chisago County (County) and the Minnesota Department of Transportation (MNDot) regarding the US 61 Corridor Access Management Plan.**

Engineer Erichson stated the City had met with MnDot regarding the US 61 Corridor Access Management Plan and the Memorandum of Understanding in 2010. The City did not approve the MOU in 2010. At this time the staff is bringing this item before the City Council again for approval. Modifications have been made to the plan based on public comment. This is not a binding document, rather a document that both parties agree to utilize as a tool for consideration as properties may redevelop or improvements to US 61 are considered.

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ADOPT RESOLUTION NO. 12-02-11 A RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WYOMING (CITY) AND CHISAGO COUNTY (COUNTY) AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) REGARDING THE US 61 CORRIDOR ACCESS MANAGEMENT PLAN.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

- 11 To consider adopting Resolution No. 12-02-12 a resolution requesting Permanent and Temporary Easements from Chisago County Regional Rail Authority for the Construction of the TH 61 Improvements.**

WSB is progressing with final design for the TH 61 Improvements that Wyoming received \$702,000 in funding. Because widening of the roadway is necessary, a temporary easement is needed along the west side of TH 61 to re-grade the ditch. Minor permanent easements are needed to be acquired as the radiuses to 250<sup>th</sup> Street, west of TH 61, encroach into the Chisago County Regional Rail Authority property. The City will be widening TH 61 for safety improvements at 250<sup>th</sup> Street.

**A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE , TO ADOPT RESOLUTION NO. 12-02-12 A RESOLUTION REQUESTING PERMANENT AND TEMPORARY EASEMENTS FROM CHISAGO COUNTY REGIONAL RAIL AUTHORITY FOR THE CONSTRUCTION OF THE TH 61 IMPROVEMENTS.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**12 To consider adopting Resolution No. 12-02-13 a resolution adopting Wyoming Ordinance 2012-01 an Ordinance amending the City of Wyoming Code of Ordinances, Chapter 40, Zoning Ordinance; Article VI, Zoning District Provisions; Division 17, Floodplain District; Establishing Regulations designed to minimize flood losses within the City of Wyoming,**

It is the purpose of the Ordinance to promote the public health, safety, and general welfare and to minimize those losses that can occur through flooding. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 – 78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER J. ZERWAS, TO ADOPT RESOLUTION NO. 12-02-13 A RESOLUTION ADOPTING WYOMING ORDINANCE 2012-01 AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 40, ZONING ORDINANCE; ARTICLE VI, ZONING DISTRICT PROVISIONS; DIVISION 17, FLOODPLAIN DISTRICT; ESTABLISHING REGULATIONS DESIGNED TO MINIMIZE FLOOD LOSSES WITHIN THE CITY OF WYOMING,**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**13 To consider adopting Resolution No. 12-02-18 a resolution approving the Closure of TH 61 at 250<sup>th</sup> Street for the Construction of Proposed Improvements**

This closure will be in effect for approximately 35 days. And, not longer then 6 weeks. This closure will not impact the bike trail and should be completed by September for the Primary Election held at the Maranatha Assembly of God Church.

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S. ZERWAS, TO APPROVE THE CLOSURE OF TH 61 AT 250<sup>TH</sup> STREET FOR THE CONSTRUCTION OF PROPOSED IMPROVEMENTS.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**14 To consider adopting Resolution No. 12-02-14 a resolution adopting Wyoming Ordinance 2012-02 an ordinance amending the City of Wyoming Code of Ordinances Chapter 40, Zoning Ordinance; Article IV, Definition of Terms; replacing definitions in conformance with Ordinance 2012-01, Floodplain District.**

This ordinance is amending the City of Wyoming's code of ordinances, Chapter 40, Zoning Ordinance; Article IV, definition of terms.

**A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADOPT RESOLUTION NO. 12-02-14 A RESOLUTION ADOPTING WYOMING ORDINANCE 2012-02 AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES CHAPTER 40, ZONING ORDINANCE; ARTICLE IV, DEFINITION OF TERMS; REPLACING DEFINITIONS IN CONFORMANCE WITH ORDINANCE 2012-01, FLOODPLAIN DISTRICT.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**15 To consider adopting Resolution No. 12-02-15 a Resolution adopting the Mutual Aid Agreement for Emergency Management and Homeland Security between the Law Enforcement providers in Chisago County.**

Police Chief Hoppe stated this resolution is renewing the Mutual Aid Management between Chisago County and the City of Wyoming Police Department. It is intended to make emergency, personnel and other resources available to each agency in Chisago County in case of an emergency. It will also satisfy the FEMA requirements to have in place a written agreement for reimbursements for costs incurred in the result of an emergency. There is no sunset date on the agreement.

**A MOTION WAS MADE BY COUNCILMEMBER J.ZERWAS, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADOPT RESOLUTION NO. 12-02-15 A RESOLUTION ADOPTING THE MUTUAL AID AGREEMENT FOR EMERGENCY MANAGEMENT AND HOMELAND SECURITY BETWEEN THE LAW ENFORCEMENT PROVIDERS IN CHISAGO COUNTY.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**16 To consider adopting Resolution No. 12-02-16 a resolution adopting Wyoming Ordinance 2012-03 an ordinance relating to Criminal History Background for Applicants for City Employment and City Licenses.**

Police Chief Hoppe stated this resolution and ordinance is required to use the database of the NCIC. This resolution will allow the Wyoming Police Department to conduct background checks on behalf of the City for pre-employment criminal history checks for non-sworn employment candidates.

**A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO ADOPT RESOLUTION NO. 12-02-16 A RESOLUTION ADOPTING WYOMING ORDINANCE 2012-03 AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**17 To consider approving the Wyoming Pay Equity Report prepared by Springsted Incorporated utilizing the Minnesota Management and Budget web-based pay equity system as required by the State of Minnesota Local Government Pay Equity Act.**

City Administrator Mattson stated a Pay Equity Report must be done every three (3) years which is a requirement by the State of Minnesota. This report must be electronically filed to the State of Minnesota before January 31, 2012 to comply.

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE THE WYOMING PAY EQUITY REPORT PREPARED BY SPRINGSTED INCORPORATED UTILIZING THE MINNESOTA MANAGEMENT AND BUDGET WEB-BASED PAY EQUITY SYSTEM AS REQUIRED BY THE STATE OF MINNESOTA LOCAL GOVERNMENT PAY EQUITY ACT.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**18 To consider accepting the resignation of Sandy Berry, Deputy Clerk/Utility Billing Clerk, effective February 24, 2012 and authorize staff to pursue options for replacement of the position.**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ACCEPT THE RESIGNATION OF SANDY BERRY, DEPUTY CLERK/UTILITY BILLING CLERK, EFFECTIVE FEBRUARY 24, 2012 AND AUTHORIZE STAFF TO PURSUE OPTIONS FOR REPLACEMENT OF THE POSITION.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**19 To consider adopting Resolution No. 12-02-17 a resolution designating the Mayor, City Administrator/Clerk and the Accountant/Bookkeeper as authorized Signors on behalf of the City of Wyoming for Bank Business.**

**A MOTION WAS MADE BY COUNCILMEMBER J. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO ADOPT RESOLUTION NO. 12-02-17 A RESOLUTION DESIGNATING THE MAYOR, CITY ADMINISTRATOR/CLERK AND THE ACCOUNTANT/BOOKKEEPER AS AUTHORIZED SIGNORS ON BEHALF OF THE CITY OF WYOMING FOR BANK BUSINESS.**

*Voting Aye: Elmore, Nanko/Yeager, Peterson, Zerwas and Zerwas*

*Voting Nay: None*

*Abstain: None*

**CLAIMS:**

**10 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of January 17, 2012 through February 8, 2012.**

**A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS, TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF JANUARY 17, 2012 THROUGH FEBRUARY 8, 2012.**

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

*Voting Nay: None*

*Abstain: None*

**COUNCIL REPORTS:**

**COUNCILMEMBER NANKO/YEAGER**

Bus Lines – Both St. Paul (Rt 285) and Minneapolis (Rt 288) busses are doing well. Some of the Minneapolis busses are standing room only. Ridership on the St. Paul busses is above last years.

Rush Line staff will do more marketing to increase the visibility and the ridership of Rt. 285 prior to discussing whether funding will be renewed for a 3<sup>rd</sup> year of operation.

I-35 Construction Projects – Heard a report on upcoming I-35 projects scheduled to begin within the next few years; they include

Construction of a MnPass managed lane from Little Canada Rd to Pennsylvania Ave.

Construction of new park and rides in Vadnais Hts. And Lino Lakes

Cayuga project which includes the reconstruction of the Cayuga and Maryland Ave. bridges interchange improvements.

Hardwood Creek Trail

Staff talked about purchasing some abandoned railroad land in Hugo and expanding the trail south.

Forest Lake pedestrian bridge over Broadway is complete; the 11<sup>th</sup> Street bridge is under construction and scheduled for completion next year.

**COUNCILMEMBER JOE ZERWAS**

Attended the Joint Sewer Commission Budget meeting.

**COUNCILMEMBER ELMORE**

No report at this time

**COUNCILMEMBER STEVE ZERWAS**

No report at this time

**MAYOR PETERSON**

Ebenezer will donate to the Friends of the Library at this Friday's pancake breakfast.

Also, the Wyoming Arts Council for the Arts is having a meeting at the St Paul Lutheran

Church on February 23, 2012, at 7:00 pm.

**ADMINISTRATOR MATTSON**

Discussed having a work session on an off Tuesday night or during the time the City Staff meets at 5:30 before a City Council meeting. Consensus of the City Council was to meet once per month on the 1<sup>st</sup> City Council meeting during the Staff meeting.

**A MOTION WAS MADE BY NANKO/YEAGER, SECONDED BY J. ZERWAS, TO HAVE A CLOSED MEETING TO DISCUSS A PERSONNEL ISSUE AT 8:20 PM.**

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

*Voting Nay: None*

*Abstain: None*

However, after review by the City Administrator and City Attorney it was determined that there was no need for the closed session and the council continued in open session.

**ADJOURN**

**A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER S. ZERWAS, TO ADJOURN THE FEBRUARY 8, 2012 "REGULAR MEETING" OF THE WYOMING, MINNESOTA CITY COUNCIL AT 9:09 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.***

**NEXT**  
**REGULAR MEETING**  
**FEBRUARY 21, 2012**  
**7:00 PM**