

**MINUTES
CITY COUNCIL
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JULY 19, 2011
7:00 PM**

CALL TO ORDER:

Mayor Eric Peterson called the Regular Meeting of the Wyoming City Council for July 19, 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”.

Ted Phillips (5900 259th Street) was present to speak about item #13, the tax abatement for Peterson Companies. He will speak when the item comes up.

David Lunn (24340 Fallbrook Avenue) was present to inform the City Council of the clean-up activity by the owner of the property that has continued at 24258 Fallbrook Avenue. Lunn stated he called the police twice one night and they did not stop the activity. Chief Hoppe confirmed the complaint. Chief Hoppe stated the Officer took appropriate action based on what they observed. Chief Hoppe explained the owner is allowed to take items off the property but cannot bring items back onto the property.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota City Council for July 5, 2011.**

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER S. ZERWAS, TO APPROVE THE “REGULAR MEETING”

MINUTES OF THE WYOMING, MINNESOTA CITY COUNCIL FOR JULY 5, 2011.

Voting Aye: Elmore, Nanko/Yeager, Peterson, J. Zerwas and S. 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 adopting Resolution No. 11-07-36 a resolution appointing a Wyoming Volunteer Firefighter to Probationary Status for 2011.**
- 3 To consider adopting Resolution No. 11-07-37 a resolution declaring certain impounded vehicles as surplus property and authorizing the Police Department to dispose of the Vehicles through online auction or sale for scrap.**

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

- 4 Report of the Wyoming Police Chief, Paul Hoppe for July 13, 2011**
- 5 Report of City Building Official, Fred Weck, IV for July 13, 2011**
- 6 Report of City Attorney Mark Vierling for July 13, 2011**
- 7 Report of City Engineer Mark Erichson, WSB for July 13, 2011**
- 8 Report of the Wyoming Public Works Supt., Jason Windingstad for July 13, 2011**

COMMUNICATIONS: None

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS, SECONDED BY COUNCILMEMBER ELMORE, TO APPROVE CONSENT AGENDA ITEMS #2 THROUGH #8 AS PRESENTED.

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

Voting Nay: None

Abstain: None

OLD BUSINESS: NONE

NEW BUSINESS:

9 To consider Comprehensive Surface Water Management Plan and Storm Water Utility Fee Structure.

WSB Engineering presented the Surface Water Management Plan and Stormwater Utility fee structure. The plan process was started by holding:

- A Public Open House on March 2, 2011.
- 3 Advisory Committee Meetings where they discussed water resource problem areas, policies and education.
- Reviewed the Surface Water Management Plan and Stormwater Utility Fee with the Planning Commission on June 28, 2011.

The Surface Water Management Plan involves the inventory and background, problem areas, goals and policies and implementation plan.

The Stormwater Utility Fee Discussion involved:

- Eligible Expenditures from the Stormwater Utility Fund
- Estimated annual cost for the next ten (10) years
- Percentages of Impervious Surface for each Land use
- Revenue breakdown based on current residential equivalency factor
- Revenue breakdown based on potential residential equivalency factor
- Annual fee comparison with other communities in agricultural and residential land-use (which Wyoming is the lowest in the area)
- Annual fee comparison with other communities in Industrial land-use (which Wyoming is the lowest in the area)

Timeframe for the Surface Water Management Plan

1. Approval by Planning Commission (August 2011)
2. Approval by City Council to submit plan to CLFLWD for review (August or September, 2011)
3. Review and approval by CLFLWD (September – November, 2011)
4. Address comments following 60 day review by CLFLWD
5. Approval and adoption of Plan by the Wyoming City Council (January, 2012)

Timeframe for the Stormwater Utility Fee

1. Review of Stormwater Utility Fee by City Council and Schedule Public Hearing (July 19, 2011)
2. Hold Public Hearing on Stormwater Utility Fee (August, 2011)

City Council suggested surveying other Cities to see what type of policies they have in place and what they think about their current policies.

10 To consider adopting Resolution No. 11-07-38 a resolution requesting funding from MN/Dot through the Municipal Agreement Program for TH 61

WSB Engineering was authorized to prepare an application for funding improvements to TH 61 through MNDOT's Municipal Agreement Program. Five potential projects are identified, but only two will likely consume the available funding. The City Council suggested doing the bypass lane at 267th Street, closing Fenwick Avenue and a left turn lane at 250th Street.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS, TO ADOPT RESOLUTION NO. 11-07-38 A RESOLUTION REQUESTING FUNDING FROM MN/DOT THROUGH THE

MUNICIPAL AGREEMENT PROGRAM FOR TH 61. THE CITY COUNCIL WOULD LIKE TO STRICK NUMBERS 3 & 5 AND CHANGE NUMBER 1 TO ADDITION OF LEFT TURN LANE OR BYPASS LANE AT 267TH STREET.

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

Voting Nay: None

Abstain: None

11 To consider authorizing WSB to perform the defined tasks for the Water Tower No. 3 Site Evaluation Project for a not to exceed fee of \$8,850

Engineer Erichson stated WSB recently completed the City's Comprehensive Water Supply Plan which identified the need for an additional water tower in the City limits. The proposed water tower is recommended to be located on the west side of Interstate 35. The City has just acquired a piece of land 200 feet by 200 feet north of Viking Boulevard along Kettle River which would be an ideal location for the water tower. A wetland delineation was done on this property June 29, 2009. The proposed property would need soil borings which would be done by Braun Intertec. The City would have to sell a revenue bond but there would be no increases in customer rates besides the ones already in place.

A MOTION WAS MADE BY COUNCILMEMBER S. ZERWAS SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO APPROVE AUTHORIZING WSB TO PERFORM THE DEFINED TASKS FOR THE WATER TOWER NO. 3 SITE EVALUATION PROJECT FOR A NOT TO EXCEED FEE OF \$8,850

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

Voting Nay: None

Abstain: None

12 To consider authorizing the preparation of a Feasibility Study for the Reconstruction of Fallbrook Avenue from 264th Street North 1600 feet for a cost of \$17,160, construction to occur in 2012.

Recently the 800-feet south of Viking Boulevard have been reconstructed. The existing Fallbrook Avenue would be constructed to a 28-foot-wide section with new bituminous pavement and new concrete curb and gutter. This item is just approving a feasibility study for Fallbrook.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER J. ZERWAS, TO APPROVE AUTHORIZING THE PREPARATION OF A FEASIBILITY STUDY FOR THE RECONSTRUCTION OF FALLBROOK AVENUE FROM 264TH STREET NORTH 1600 FEET FOR A COST OF \$17,160, CONSTRUCTION TO OCCUR IN 2012.

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

Voting Nay: None

Abstain: None

13 To consider the Tax Abatement Request of Peterson Companies, Inc for a Tax Abatement of \$6,000 annually not to exceed 10 years – Total of \$60,000.

Ted Phillip (5900 259th Street) was present to discuss the proposal for Tax Abatement by Peterson Companies. Phillips stated the Planning Commission voted to deny the abatement. Phillips mentioned 70% of the building will be in the City of Wyoming and 30% of the building will be in the City of Chisago, which means the City of Wyoming would be losing the most tax dollars if this abatement is approved.

A MOTION WAS MADE BY COUNCILMEMBER ELMORE SECONDED BY COUNCILMEMBER S. ZERWAS, TO DENY THE TAX ABATEMENT REQUEST OF PETERSON COMPANIES, INC FOR A TAX ABATEMENT OF \$6,000 ANNUALLY NOT TO EXCEED 10 YEARS – TOTAL OF \$60,000.

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

Voting Nay: None

Abstain: None

14 To discuss Funding Options for Fireworks Display at “Stage Coach Days” (\$6,000) as requested by Council action at July 5th regular City Council Meeting – Options include Community Celebrations Fund (-\$20,146) and/or City Council Contingency Fund (\$78,316).

Mayor Peterson suggested funding the fireworks out the Community Celebration Fund. At the end of the year 2011 if the Contingency Fund is not spent the City will transfer the necessary funds to pay-off the Community Celebration Fund.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER J. ZERWAS, TO APPROVE FUNDING FOR FIREWORKS DISPLAY AT “STAGE COACH DAYS” (\$6,000) COMING OUT OF THE COMMUNITY CELEBRATION FUND. ALSO, TAKE ALL EXPENSES OUT OF THE COMMUNITY CELEBRATION FUND. IF AT THE END OF THE YEAR 2011 THE CONTINGENCY FUND IS NOT SPENT THE CITY WILL TRANFER THE NECESSARY FUNDS TO PAY-OFF THE COMMUNITY CELEBRATION FUND DEFICITE.

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

Voting Nay: None

Abstain: None

CLAIMS:

15 Consider authorizing payment of recommended bills, payroll and Journal Entries for the period of July 6, 2011 through July 19, 2011.

A MOTION WAS MADE BY COUNCILMEMBER NANKO/YEAGER SECONDED BY COUNCILMEMBER S. ZERWAS, TO AUTHORIZE PAYMENT OF RECOMMENDED BILLS, PAYROLL AND JOURNAL ENTRIES FOR THE PERIOD OF JULY 6, 2011 THROUGH JULY 19, 2011.

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

Voting Nay: None

Abstain: None

COUNCIL REPORTS:

COUNCILMEMBER NANKO/YEAGER

- Attended the EDA meeting
- The EDA passed a resolution supporting the development of Neil Gatzow Park
- Discussed the Industrial Park Sign in conjunction with Trooper Skalman Memorial
- The EDA is looking into creating a brochure to attract potential businesses to Wyoming
- Discussed TIF 3-3
- Discussed Peterson Companies Tax Abatement
- Heard Work Plan updates

COUNCILMEMBER J. ZERWAS

- Attended the Joint Sewer Commission meeting.
- At the meeting Mark Nelson stated the problem with the bacteria is now under control
- And the blacktop drive at the odor control building is still not complete because the plumbing is incomplete.

COUNCILMEMBER ELMORE

- No report at this time

COUNCILMEMBER S. ZERWAS

- Attended the Joint Sewer Commission meeting
- The pump shafts that are breaking apparently the manufacture are dragging their feet so this will probably go to litigation.

MAYOR PETERSON

- Attended the EDA meeting

ADJOURN

A MOTION WAS MADE BY COUNCILMEMBER ELMORE, SECONDED BY COUNCILMEMBER NANKO/YEAGER, TO ADJOURN THE JULY 19, 2011 “REGULAR MEETING” OF THE WYOMING, MINNESOTA CITY COUNCIL AT 9:08 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
AUGUST 2, 2011
4:00 PM

_____, Deputy Clerk